A lot portion of the cards I cut were in other files and I didn’t bother transferring them here, but this is the bulk of the prep I did on jan/feb.

# Resolved: In the United States, private ownership of handguns ought to be banned.

### NRA

#### Handguns=pistols

NRA “Glossary” National Rifle Association Institute for Legislative Action <https://www.nraila.org/about/glossary/> JW

Handgun Synonym for pistol.

#### Any gun that can be held in one hand.

NRA “Glossary” National Rifle Association Institute for Legislative Action <https://www.nraila.org/about/glossary/> JW

Synonymous with "handgun." A gun that is generally held in one hand. It may be of the single-shot, multi-barrel, repeating or semi-automatic variety and includes revolvers.

### Wintersteen 14

#### Pistols and handguns are the same thing-history and definitions prove.

Wintersteen 14 Kyle “9 Most Misused Gun Terms” Guns & Ammo <http://www.gunsandammo.com/gun-culture/9-misused-gun-terms/> JW

Pistol vs. Handgun There is some gray area with this one. Some use the term “handgun” to describe any hand-held firearm, but only use “pistol” in reference to semi-automatic handguns — not revolvers. I’m of the school that believes pistol and handgun may be used interchangeably. Here’s why. One authoritative source, The NRA Firearms Sourcebook, defines a pistol as “a generic term for a hand-held firearm. Often used more specifically to refer to a single-shot, revolver or semi-automatic handgun.” Then there’s the historical record. Though there’s debate over whence the term “pistol” arose, by the late 16th century it was commonly used to describe any hand-held gun. It even appeared in works by William Shakespeare. Then along came Samuel Colt, who described his cylinder-firearm invention as a “revolving pistol.” “Pistol” was an established part of the vernacular long before the semi-auto handgun. Therefore it’s safe to say all handguns are pistols, and all pistols are handguns.

### Chastain

#### Pistols and handguns are not the same-pistols are a subset of handguns.

Chastain (Russ Chastain has been hunting and shooting all his life, and has written professionally on these topics for many years. He has been an active member of the Southeast Outdoor Press Association (SEOPA) and is currently a life member of Gun Owners of America (GOA).) Russ Chastain “Definition of Pistol” About Sports <http://hunting.about.com/od/guns/g/glossary-definition-of-pistol.htm> JW

Definition: A pistol is a handgun - but not all handguns are pistols. The defining factor that makes a handgun a pistol is a chamber that is integral with the barrel. Semi-automatic handguns have a barrel with the chamber built in, which means they are pistols. Revolvers, on the other hand, are not pistols, because a revolver contains a cylinder that's separate from the barrel and contains multiple chambers. When it comes to firearms terminology, any gun that is designed to be fired using one or both hands, without shouldering the gun, is a handgun. Legal definitions of the term may vary in certain locales. The term "pistol" is often erroneously used to describe any handgun, but its definition should preclude its being used to describe revolvers and any type of handgun which does not have a chamber made integral with the barrel. Types of pistols include semi-automatic, break action, bolt action, rolling block, falling block, and other various action types, and they are often single shot guns. A lever-action rifle that's had the stock removed to become a handgun (like the "mare's leg" used by Steve McQueen in the television series "Wanted: Dead or Alive") would qualify, because its chamber is part of its barrel.

### AHD 11

#### Handgun=one hand firearm

American Heritage Dictionary 11 “handgun” Dictionary of the English Language, Fifth Edition. Copyright © 2011 by Houghton Mifflin Harcourt Publishing Company. Published by Houghton Mifflin Harcourt Publishing Company http://www.thefreedictionary.com/handgun JW

A firearm that can be used with one hand.

### Huemer 03

#### Gun control topic lit is utilitarian, not rights based.

Huemer 03 Michael Huemer “Is There a Right to Own a Gun?” Social Theory and Practice, Vol. 29, No. 2 (April 2003), pp. 297-324 <http://www.owl232.net/guncontrol.htm> JW

Gun control supporters often assume that the acceptability of gun control laws turns on whether they increase or decrease crime rates. The notion that such laws might violate rights, independently of whether they decrease crime rates, is rarely entertained. Nor are the interests of gun owners in keeping and using guns typically given great weight. Thus, a colleague who teaches about the issue once remarked to me that from the standpoint of rights, as opposed to utilitarian considerations, there wasn’t much to say. The only right that might be at stake, he said, was “a trivial right—‘the right to own a gun.’” Similarly, Nicholas Dixon has characterized his own proposed ban on all handguns as “a minor restriction,” and the interests of gun owners in retaining their weapons as “trivial” compared to the dangers of guns.Footnote

#### Gun ownership is a prima facie right—you can regulate it but you can’t ban it.

Huemer 03 Michael Huemer “Is There a Right to Own a Gun?” Social Theory and Practice, Vol. 29, No. 2 (April 2003), pp. 297-324 <http://www.owl232.net/guncontrol.htm> JW

Given the presumption in favor of liberty, there is at least a prima facie right to own a gun, unless there are positive grounds of the sort discussed in §2.1 for denying such a right. Are there such grounds? (i) Begin with the principle that one lacks a right to do things that harm others, treat others as mere means, or use others without their consent. It is difficult to see how owning a gun could itself be said to do any of those things, even though owning a gun makes it easier for one to do those things if one chooses to. But we do not normally prohibit activities that merely make it easier for one to perform a wrong but require a separate decision to perform the wrongful act. (ii) Consider the principle that one lacks a right to do things that impose unacceptable, though unintended, risks on others. Since life is replete with risks, to be plausible, the principle must use some notion of excessive risks. But the risks associated with normal ownership and recreational use of firearms are minimal. While approximately 77 million Americans now own guns,Footnote the accidental death rate for firearms has fallen dramatically during the last century, and is now about .3 per 100,000 population. For comparison, the average citizen is nineteen times more likely to die as a result of an accidental fall, and fifty times more likely to die in an automobile accident, than to die as a result of a firearms accident.Footnote (iii) Some may think that the firearms accident statistics miss the point: the real risk that gun ownership imposes on others is the risk that the gun owner or someone else will ‘lose control’ during an argument and decide to shoot his opponent. Nicholas Dixon argues: “In 1990, 34.5% of all murders resulted from domestic or other kinds of argument. Since we are all capable of heated arguments, we are all, in the wrong circumstances, capable of losing control and killing our opponent.”Footnote In [303] response, we should first note the invalidity of Dixon’s argument. Suppose that 34.5% of people who run a 4-minute mile have black hair, and that I have black hair. It does not follow that I am capable of running a 4-minute mile. It seems likely that only very atypical individuals would respond to heated arguments by killing their opponents. Second, Dixon’s and McMahan’s claims are refuted by the empirical evidence. In the largest seventy-five counties in the United States in 1988, over 89 percent of adult murderers had prior criminal records as adults.Footnote This reinforces the common sense view that normal people are extremely unlikely to commit a murder, even if they have the means available. So gun ownership does not typically impose excessive risks on others. (iv) Consider the idea that individuals lack a right to engage in activities that reasonably appear to evince an intention to harm or impose unacceptable risks on others. This principle does not apply here, as it is acknowledged on all sides that only a tiny fraction of America’s 77 million gun owners plan to commit crimes with guns. (v) It might be argued that the total social cost of private gun ownership is significant, that the state is unable to identify in advance those persons who are going to misuse their weapons, and that the state’s only viable method of significantly reducing that social cost is thus to prevent even noncriminal citizens from owning guns. But this is not an argument against the existence of a prima facie right to own a gun. It is just an argument for overriding any such right. In general, the fact that restricting an activity has beneficial consequences does not show that no weight at all should be assigned to the freedom to engage in it; it simply shows that there are competing reasons against allowing the activity. (Compare: suppose that taking my car from me and giving it to you increases total social welfare. It would not follow that I have no claim at all on my car.)

#### Gun control reduces recreational use of guns-this causes decreases in happiness which outweigh lives lost due to violence.

Huemer 03 Michael Huemer “Is There a Right to Own a Gun?” Social Theory and Practice, Vol. 29, No. 2 (April 2003), pp. 297-324 <http://www.owl232.net/guncontrol.htm> JW

The recreational uses of guns include target shooting, various sorts of shooting competitions, and hunting. In debates over gun control, participants almost never attach any weight to this recreational valueFootnote —perhaps because that value initially appears minor compared with the deaths caused or prevented by guns. The insistence that individuals have a right to engage in their chosen forms of recreation may seem frivolous in this context. But it is not. Consider two forms that the charge of frivolousness might take. First: One might think life is lexically superior to (roughly, of infinitely greater value than) recreation, such that no amount of recreational value could counterbalance even one premature death.Footnote This cannot be [305] taken to imply that risks to life should never be accepted, since it is impossible to eliminate all such risks. Instead, I will assume that those who affirm the infinite value of life would favor maximizing life expectancy.Footnote This position is implausible, since recreation is a major source of enjoyment, and enjoyment is (at least) a major part of what gives life value. Consider the range of activities whose primary value is recreational or, more broadly, pleasure-enhancing: non-reproductive sexual activity, reading fiction, watching television or movies, talking with friends, listening to music, eating dessert, going out to eat, playing games, and so on. Would it be rational to give up all those activities if by doing so one could increase one’s life expectancy by, say, five minutes? Or suppose that a drive to the park slightly reduces one’s life expectancy (due to the risks of traffic accidents, passing criminals, airborne germs, and so on). Would it be irrational to make the trip—no matter how much one enjoys the park? Second, and more plausibly: one might claim that the value of the lives that could be saved by anti-gun laws is simply much greater than the recreational value of firearms. It is not obvious that this is correct, even if gun control would significantly reduce annual gun-related deaths. Many gun owners appear to derive enormous satisfaction from the recreational use of firearms, and it is no exaggeration to say that for many, recreational shooting is a way of life.Footnote Furthermore, there are a great many gun owners. At a rough estimate, the number of gun owners is two thousand times greater than the number of annual firearms-related deaths.Footnote Even if we assume optimistically that a substantial proportion [306] of recreational gun users could and would substitute other forms of recreation, we should conclude that the net utility of gun control legislation is greatly overestimated by those who discount the recreational value of guns. For obvious reasons, the utility resulting from recreational use of firearms is not easy to quantify, nor to compare with the value of the lives lost to firearms violence. Yet this is no reason for ignoring the former, as partisans in the gun control debate often do.

#### Gun prohibitions violate right to self-defense—that’s an extremely weighty right.

Huemer 03 Michael Huemer “Is There a Right to Own a Gun?” Social Theory and Practice, Vol. 29, No. 2 (April 2003), pp. 297-324 <http://www.owl232.net/guncontrol.htm> JW

The main argument on the gun rights side goes like this: 1. The right of self-defense is an important right. 2. A firearms prohibition would be a significant violation of the right of self-defense. 3. Therefore, a firearms prohibition would be a serious rights-violation. The strength of the conclusion depends upon the strength of the premises: the more important the right of self-defense is, and the more serious gun control is as a violation of that right, the more serious a rights-violation gun control is. I begin by arguing that the right of self-defense is extremely weighty. Consider this scenario: Example 1 A killer breaks into a house, where two people—“the victim” and “the accomplice”—are staying. (The “accomplice” need have no prior interaction with the killer.) As the killer enters the bedroom where the victim is hiding, the accomplice enters through another door and proceeds, for some reason, to hold the victim down while the killer stabs him to death. In this scenario, the killer commits what may be the most serious kind of rights-violation possible. What about the accomplice who holds the victim down? Most would agree that his crime is, if not equivalent to murder, something close to murder in degree of wrongness, even though he neither kills nor injures the victim. Considered merely as the act of holding someone down for a few moments, the accomplice’s action [307] seems a minor rights-violation. What makes it so wrong is that it prevents the victim from either defending himself or fleeing from the killer—that is, it violates the right of self-defense. (To intentionally and forcibly prevent a person from exercising a right is to violate that right.) We may also say that the accomplice’s crime was that of assisting in the commission of a murder—this is not, in my view, a competing explanation of the wrongness of his action, but rather an elaboration on the first explanation. Since the right of self-defense is a derivative right, serving to protect the right to life among other rights, violations of the right of self-defense will often cause or enable violations of the right to life. It is common to distinguish killing from letting die. In this example, we see a third category of action: preventing the prevention of a death. This is distinct from killing, but it is not merely letting die, because it requires positive action. The example suggests that preventing the prevention of a death is about as serious a wrong as killing. In any case, the fact that serious violations of the right of self-defense are morally comparable to murder serves to show that the right of self-defense must be a very weighty right. The intuition of the extreme wrongness of the accomplice’s act is supported by the criteria for the seriousness of rights-violations suggested in §2.3. First, the right to life is of foremost importance to individuals’ ability to carry out their plans for their own lives. Second, the right of self-defense is very important to protecting individuals’ right to life. Third, holding down a person who is being stabbed is extremely serious as a violation of the right of self-defense. We turn to premise 2, that gun prohibition is serious as a violation of the right of self-defense. Consider: Example 2 As in example 1, except that the victim has a gun by the bed, which he would, if able, use to defend himself from the killer. As the killer enters the bedroom, the victim reaches for the gun. The accomplice grabs the gun and runs away, with the result that the killer then stabs his victim to death. The accomplice’s action in this case seems morally comparable to his action in example 1. Again, he has intentionally prevented the victim from defending himself, thereby in effect assisting in the murder. The arguments from the criteria for the seriousness of rights-violations are the same. The analogy between the accomplice’s action in this case and a general firearms prohibition should be clear. A firearms ban would require confiscating the weapons that many individuals keep for self-defense [308] purposes,Footnote with the result that some of those individuals would be murdered, robbed, raped, or seriously injured. If the accomplice’s action in example 2 is a major violation of the right of self-defense, then gun prohibition seems to be about equally serious as a violation of the right of self-defense. Consider some objections to this analogy. First, it might be said that in the case of a gun ban, the government would have strong reasons for confiscating the guns, in order to save the lives of others, which (we presume) is not true of the accomplice in example 2. This, I think, would amount to arguing that the self-defense rights of non-criminal gun owners are overridden by the state’s need to protect society from criminal gun owners. I deal with this suggestion in §5 below. Second, it might be argued that example 2 differs from a gun ban in that the murder is imminent at the time the accomplice takes the gun away. But this seems to be morally irrelevant. For suppose that the accomplice, knowing that someone is coming to kill the victim tomorrow (while the victim does not know this), decides to take the victim’s gun away from him today, again resulting in his death. This would not make the accomplice’s action more morally defensible than it is in example 2. A third difference might be that, whereas we assume that in example 2 the accomplice knows that the victim is going to be killed or seriously injured, the state does not know that its anti-gun policy will result in murders and injuries to former gun-owners. This, however, is surely not true. Although the state may claim that the lives saved by a gun ban would outnumber the lives cost, one cannot argue that no lives will be cost at all, unless one claims implausibly that guns are never used in self-defense against life-threatening attacks. Some will think the former claim is all that is needed to justify a gun ban; this would return us to the first objection. Fourth, it may be observed that in example 2, there is a specific, identifiable victim: the accomplice knows who is going to die as a result of his gun-confiscation. In contrast, a gun-banning government cannot identify any specific individuals who are going to be killed as a result of its gun ban, even though it can predict that some people will be. But this seems morally irrelevant. Consider: Example 3 An ‘accomplice’ ties up a family of five somewhere in the wilderness where he knows that wolves roam. He has good reason to [309] believe that a pack of wolves will happen by and eat one or two of the family members (after which they will be satiated), but he doesn’t know which ones will be eaten. He leaves them for an hour, during which the mother of the family is eaten by the wolves. In this case, the fact that the accomplice did not know who would die as a result of his action does not mitigate his guilt. Likewise, it is unclear how the state’s inability to predict who will become the victims of its anti-gun policy would mitigate the state’s responsibility for their deaths or injury. Fifth, the victims of a gun ban would presumably have sufficient forewarning of the coming ban to take alternative measures to protect themselves, unlike the victim in example 2. Unfortunately, statistics from the National Crime Victimization Survey indicate that such alternative means of self-protection would be relatively ineffective—individuals who defend themselves with a gun are less likely to be injured and far less likely to have the crime completed against them than are persons who take any other measures.Footnote Consequently, though the present consideration seems to mitigate the state’s culpability, it does not remove it. The situation is analogous to one in which the accomplice, rather than taking away the victim’s only means of defending himself against the killer, merely takes away the victim’s most effective means of self-defense, with the result that the victim is killed. Here, the accomplice’s action is less wrong than in example 2, but it is still very wrong. Since gun prohibition is a significant violation of an extremely weighty right, we must conclude that it is a very serious rights-violation. The above examples initially suggest that it is on a par with the commission of (multiple) murders, robberies, rapes, and assaults—although the consideration of the preceding paragraph may show that it is somewhat less wrong than that. The point here is not that would-be gun banners are as blameworthy as murderers and other violent criminals (since the former do not know that their proposals are morally comparable to murder and have different motives from typical murderers). The point is just to assess the strength of the reasons against taking the course of action that they propose.

#### The 43-1 self-defense statistic is BS for so many reasons.

Huemer 03 Michael Huemer “Is There a Right to Own a Gun?” Social Theory and Practice, Vol. 29, No. 2 (April 2003), pp. 297-324 <http://www.owl232.net/guncontrol.htm> JW

One prominent argument claims that a gun kept in the home is 43 times more likely to be used in a suicide, criminal homicide, or accidental death than it is to kill an intruder in self-defense.Footnote This statistic is commonly repeated with various modifications; for instance, LaFollette mischaracterizes the statistic as follows: For every case where someone in a gun-owning household uses a gun to successfully stop a life-threatening attack, nearly forty-three people in similar households will die from a gunshot.Footnote The problem with LaFollette’s characterization, which evinces the statistic’s tendency to mislead, is that Kellerman and Reay made no estimate of the frequency with which guns are used to stop attacks, life-threatening or otherwise; they only considered cases in which someone was killed.Footnote Survey data indicate that only a tiny minority of defensive gun uses involve shooting, let alone killing, the criminal; normally, threatening a criminal with a gun is sufficient. To assess the benefits of guns, one would have to examine the frequency with which guns prevent crimes, rather than the frequency with which they kill criminals.Footnote [311] A second problem is that 37 of Kellerman and Reay’s 43 deaths were suicides. Available evidence is unclear on whether reduced availability of guns would reduce the suicide rate or whether it would only result in substitution into different methods.Footnote In addition, philosophically, it is doubtful that the restriction of gun ownership for the purpose of preventing suicides would fall within the prerogatives of a liberal state, even if such a policy would be effective. One cause for doubt is that such policies infringe upon the rights of gun-owners (both the suicidal ones and the non-suicidal majority) without protecting anyone else’s rights.Footnote Another cause for doubt, from a utilitarian perspective, is that one cannot assume that individuals who decide to kill themselves have overall happy or pleasant lives; therefore, one should not assume that the prevention of suicide, through means other than improving would-be victims’ level of happiness, increases utility, rather than decreasing it. For these reasons, the suicides should be omitted from the figures. A third problem is that Kellerman and Reay only counted as “self-defense” cases that were so labeled by the police and the local prosecutor’s office; they ignored the possibility of cases that were later found in court to be self-defense. The latter kind of self-defense cases were probably more numerous.Footnote

#### Self-defense from gun use outweighs homicide and suicide—saves more lives.

Huemer 03 Michael Huemer “Is There a Right to Own a Gun?” Social Theory and Practice, Vol. 29, No. 2 (April 2003), pp. 297-324 <http://www.owl232.net/guncontrol.htm> JW

Guns are used surprisingly often by private citizens in the United States for self-defense purposes. Fifteen surveys, excluding the one discussed in the following paragraph, have been conducted since 1976, yielding estimates of between 760,000 and 3.6 million defensive gun uses per year, the average estimate being 1.8 million.Footnote Probably among the more reliable is Kleck and Gertz’ 1993 national survey, which obtained an estimate of 2.5 million annual defensive gun uses, excluding military and police uses and excluding uses against animals. Gun users in 400,000 of these cases believe that the [313] gun certainly or almost certainly saved a life.Footnote While survey respondents almost certainly overestimated their danger,Footnote if even one tenth of them were correct, the number of lives saved by guns each year would exceed the number of gun homicides and suicides. For the purposes of Kleck and Gertz’ study, a “defensive gun use” requires respondents to have actually seen a person (as opposed, for example, to merely hearing a suspicious noise in the yard) whom they believed was committing or attempting to commit a crime against them, and to have at a minimum threatened the person with a gun, but not necessarily to have fired the gun. Kleck’s statistics imply that defensive gun uses outnumber crimes committed with guns by a ratio of about 3:1.Footnote While Kleck’s statistics could be an overestimate, one should bear three points in mind before relying on such a hypothesis to discount the defensive value of guns. First, Kleck’s figures would have to be very large overestimates in order for the harms of guns to exceed their benefits. Second, one would have to suppose that all fifteen of the surveys alluded to have contained overestimates. Third, it is not clear prima facie that an overestimate is more likely than an underestimate; perhaps some respondents either invent or misdescribe incidents, but perhaps also some respondents either forget or prefer not to discuss their defensive gun uses with a stranger on the telephone.Footnote [314] One survey, the National Crime Victimization Survey, obtained an estimate an order of magnitude below the others. The NCVS statistics imply something in the neighborhood of 100,000 defensive gun uses per year.Footnote Though even this number would establish a significant self-defense value of guns, the NCVS numbers are probably a radical underestimate, given their extreme divergence from all other estimates. Kleck describes the methodological flaws of the NCVS,Footnote one of the more serious being that the NCVS is a non-anonymous survey (respondents provide their addresses and telephone numbers) which the respondents know to be sponsored by the U.S. Justice Department. Respondents may hesitate to non-anonymously report their defensive gun uses to employees of the law enforcement branch of the federal government, particularly if they believe there is any chance that they might be accused of doing anything illegal. In addition, respondents are not asked specifically about defensive gun uses, but are merely invited in a general way to describe anything they did for self-protection. And respondents are not asked about self-protective actions unless they have previously answered affirmatively to the crime victimization questions, and it is known that the NCVS drastically underestimates at least domestic violence incidents; only 22% of domestic assaults appearing in police records (which may themselves be incomplete) were mentioned by respondents to the survey.Footnote

### Protevi 12

#### The discourse of outlawing guns for their general welfare to society is a biopolitical grasp at de-rationalizing citizens and making decisions for them.

Protevi 12 John Protevi (Ph.D. in philosophy from Loyola University Chicago in 1990) “A Foucaultian analysis of framing gun violence as a public health issue” December 21st 2012 New Apps <http://www.newappsblog.com/2012/12/gun-violence-as-a-public-health-issue-and-the-neoliberal-management-of-risk.html> JW

I'm always on the lookout when things are phrased in "public health" terms as some of the talking heads do with gun control, as the public health vs individual health question is one of the key points of Foucault's notion of biopower. Now Foucault's work in the late 70s (e.g., Security, Territory, Population and Birth of Biopolitics) brings risk into the story he was constructing of "governmental rationalities." (Governmentality is the "conduct of conduct," that is, the way in which individuals are taught / encouraged / induced to manage their lives as various types of "subjects," as "sexual subjects," for instance, or in neoliberalism as "self-entrepreneurs" [hence the interest in Becker's human capital theory].) In the angle relevant here, he tried to theorize the way neoliberal governments try to get folks to manage risk / reward calculations individually for the most part (a huge change in American society occured with the "Great Risk Shift" toward individual finance decisions), but still maintain the ability to step in to do it when the overall risks and / or the informational asymmetries are too great. So you get to read ingredient labels so you can judge the risks of your individual food consumption patterns (that is, the government requires that you have access to certain bits of information so you can judge your risks), but non-physicians can't prescribe drugs as they are deemed unable to make the proper risk / reward calculations. So here governments manage individual health decisions. The intersection of individual and public health occurs with infectious disease. So the government can demand vaccination for entry to public school, because individuals don't have the information to be able to judge the risks of sending kids to a school in which some of the kids are not vaccinated since you don't know how many are not vaccinated and you don't know which vaccines they've skipped. So with guns, the public health rationality would be that you can't judge the risk of living next to somebody with a huge arsenal, because you don't know its contents or your neighbors training. So the government can manage that for you under the rubric of public health, either by outlawing certain types of guns (on the model of certain drugs that are too dangerous) or by requiring training and registration (on the model of requiring vaccination).

### Debrabander 12

#### Gun ownership kills freedom of speech.

Debrabander 12 Firmin Debrabander “The Freedom of an Armed Society” The New York Times December 16th 2012 <http://opinionator.blogs.nytimes.com/2012/12/16/the-freedom-of-an-armed-society/> JW

As ever more people are armed in public, however — even brandishing weapons on the street — this is no longer recognizable as a civil society. Freedom is vanished at that point.And yet, gun rights advocates famously maintain that individual gun ownership, even of high caliber weapons, is the defining mark of our freedom as such, and the ultimate guarantee of our enduring liberty. Deeper reflection on their argument exposes basic fallacies. In her book “The Human Condition,” the philosopher Hannah Arendt states that “violence is mute.” According to Arendt, speech dominates and distinguishes the polis, the highest form of human association, which is devoted to the freedom and equality of its component members. Violence — and the threat of it — is a pre-political manner of communication and control, characteristic of undemocratic organizations and hierarchical relationships. For the ancient Athenians who practiced an incipient, albeit limited form of democracy (one that we surely aim to surpass), violence was characteristic of the master-slave relationship, not that of free citizens. Arendt offers two points that are salient to our thinking about guns: for one, they insert a hierarchy of some kind, but fundamental nonetheless, and thereby undermine equality. But furthermore, guns pose a monumental challenge to freedom, and particular, the liberty that is the hallmark of any democracy worthy of the name — that is, freedom of speech. Guns do communicate, after all, but in a way that is contrary to free speech aspirations: for, guns chasten speech. This becomes clear if only you pry a little more deeply into the N.R.A.’s logic behind an armed society. An armed society is polite, by their thinking, precisely because guns would compel everyone to tamp down eccentric behavior, and refrain from actions that might seem threatening. The suggestion is that guns liberally interspersed throughout society would cause us all to walk gingerly — not make any sudden, unexpected moves — and watch what we say, how we act, whom we might offend. As our Constitution provides, however, liberty entails precisely the freedom to be reckless, within limits, also the freedom to insult and offend as the case may be. The Supreme Court has repeatedly upheld our right to experiment in offensive language and ideas, and in some cases, offensive action and speech. Such experimentation is inherent to our freedom as such. But guns by their nature do not mix with this experiment — they don’t mix with taking offense. They are combustible ingredients in assembly and speech. I often think of the armed protestor who showed up to one of the famously raucous town hall hearings on Obamacare in the summer of 2009. The media was very worked up over this man, who bore a sign that invoked a famous quote of Thomas Jefferson, accusing the president of tyranny. But no one engaged him at the protest; no one dared approach him even, for discussion or debate — though this was a town hall meeting, intended for just such purposes. Such is the effect of guns on speech — and assembly. Like it or not, they transform the bearer, and end the conversation in some fundamental way. They announce that the conversation is not completely unbounded, unfettered and free; there is or can be a limit to negotiation and debate — definitively.

#### Gun ownership gives power to the government by fragmenting communities.

Debrabander 12 Firmin Debrabander “The Freedom of an Armed Society” The New York Times December 16th 2012 <http://opinionator.blogs.nytimes.com/2012/12/16/the-freedom-of-an-armed-society/> JW

Gun rights advocates also argue that guns provide the ultimate insurance of our freedom, in so far as they are the final deterrent against encroaching centralized government, and an executive branch run amok with power. Any suggestion of limiting guns rights is greeted by ominous warnings that this is a move of expansive, would-be despotic government. It has been the means by which gun rights advocates withstand even the most seemingly rational gun control measures. An assault weapons ban, smaller ammunition clips for guns, longer background checks on gun purchases — these are all measures centralized government wants, they claim, in order to exert control over us, and ultimately impose its arbitrary will. I have often suspected, however, that contrary to holding centralized authority in check, broad individual gun ownership gives the powers-that-be exactly what they want. After all, a population of privately armed citizens is one that is increasingly fragmented, and vulnerable as a result. Private gun ownership invites retreat into extreme individualism — I heard numerous calls for homeschooling in the wake of the Newtown shootings — and nourishes the illusion that I can be my own police, or military, as the case may be. The N.R.A. would have each of us steeled for impending government aggression, but it goes without saying that individually armed citizens are no match for government force. The N.R.A. argues against that interpretation of the Second Amendment that privileges armed militias over individuals, and yet it seems clear that armed militias, at least in theory, would provide a superior check on autocratic government. As Michel Foucault pointed out in his detailed study of the mechanisms of power, nothing suits power so well as extreme individualism. In fact, he explains, political and corporate interests aim at nothing less than “individualization,” since it is far easier to manipulate a collection of discrete and increasingly independent individuals than a community. Guns undermine just that — community. Their pervasive, open presence would sow apprehension, suspicion, mistrust and fear, all emotions that are corrosive of community and civic cooperation. To that extent, then, guns give license to autocratic government. Our gun culture promotes a fatal slide into extreme individualism. It fosters a society of atomistic individuals, isolated before power — and one another — and in the aftermath of shootings such as at Newtown, paralyzed with fear. That is not freedom, but quite its opposite. And as the Occupy movement makes clear, also the demonstrators that precipitated regime change in Egypt and Myanmar last year, assembled masses don’t require guns to exercise and secure their freedom, and wield world-changing political force. Arendt and Foucault reveal that power does not lie in armed individuals, but in assembly — and everything conducive to that.

### Martelle 14

#### Try or die for the aff-handguns reverse the culture of death away from violence and save lives.

Martelle 14 Scott (writer for LA times) “You say gun control doesn't work? Fine. Let's ban guns altogether.” Los Angeles Times May 28th 2014 <http://www.latimes.com/opinion/opinion-la/la-ol-gun-control-ban-homicides-suicides-20140528-story.html> JW

As for handguns, assault-style weapons, etc., let’s have a flat-out ban. Beyond the histrionics of the gun lobby, there is no defensible reason for such weapons to be a part of our culture. They exist for one purpose: to kill. Yes, hobbyists also like to use guns for target shooting and other nonlethal purposes, but it’s hard to say that desire for sport outweighs the atrocious level of gun-related deaths in this country. Self-defense? Impossible to measure because of a lack of trustworthy data. Similarly, the scope of gun victims is unknown, in part because of gun-lobby interference in efforts to try to establish baseline reports (we know how many die but not how many are wounded). This national debate would be helped immensely if the Department of Justice and the Centers for Disease Control and Prevention were funded by Congress to collect the data. But we do know that guns are often used by angry men to kill their wives and kids; the mentally ill to act out whatever pain they are suffering; violent criminals; the suicidal (who may kill themselves anyway by other means, but ready access to a gun makes it easier); or children who find guns kept by “properly trained” owners and accidentally shoot themselves or others. In fact, two-thirds of homicides in the U.S. involve guns, according to the CDC. And yes, we need to have stronger, better programs and laws to help the mentally ill, but in the end, it’s their access to weapons that have caused so much mayhem at such a big scale. Mental illness is a factor in some of the violence, but guns are part of most of the killings. As for the argument that the 2nd Amendment was written with an eye toward protecting America from the tyranny of King George, the Revolutionary War ended in 1783 with the Treaty of Paris. The Bill of Rights was adopted six years later in an atmosphere in which there was no standing federal army; the government relied on state militias, which were composed of soldiers who brought their own weapons with them. We haven’t had an army like that in a long, long time. And the idea that a few well-armed patriots would be able to defeat the U.S. Army should the government turn despotic is, at best, a romantic infatuation. Yes, the Supreme Court has upheld private gun ownership under the 2nd Amendment, but the Supreme Court has been wrong before (Fugitive Slave Law, the Dred Scott case, decisions allowing deed restrictions to bar home sales to African Americans, etc.). One can hope that the court will someday go further than its recognition that the 2nd Amendment is not an absolute right and determine that rampant gun ownership is a public safety threat. And that Congress will push legislation that recognizes that the heavy societal costs of gun ownership outweigh any 2nd Amendment pretense to the right to own guns. (By comparison, the 1st Amendment, near and dear to my heart, is not absolute: We have libel laws, which inherently limit free speech for the sake of the broader good, yet even journalists recognize them as a reasonable compromise.) So my personal view: Ban the guns, and slowly but inexorably bring our culture back from this violent, communal madness. It won’t be fast, it won’t be easy, it probably won’t even be possible given the political realities. But the status quo is unacceptable and, at one level, suicidal. We have to try to fix this.

#### 2nd amendment isn’t absolute-it gets overridden for general welfare.

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#### Outweighs: A. the preamble of the constitution is to promote the general welfare—that comes first since it frames the duties prescribed by all the amendments, B. specificity—right to bear arms is too vague to obligate government action--bear arms could mean hold guns or the limbs of the big scary animal.

### Ausomeawestin

#### Owning a gun for self-defense reasons is non-universalizable.

<https://ausomeawestin.wordpress.com/2014/01/26/law-and-morality-columbia-md-gun-rights-consequentialism-kantianism-and-client-counseling/> JW

Now, issues in medical and public health ethics are certainly fascinating, but I want to turn our attention to an issue I have only broached recently on this blog — gun rights — due to yesterday’s tragic events that occurred in Columbia mall, a mall my girlfriend recently shopped out, and an area where my father goes to church. Using the tiers of normative ethics I have proposed, perhaps it is morally permissible to own a gun, in the consequentialist sense of it not being morally bad, while it is morally wrong, in the deontological sense of justice. To uncover whether this is so, we must look at the maxim for action that would best justify the possession of firearms. We do not want to attack a straw-man, that would not carry it’s force to stronger ways of phrasing the maxim, so we must look for the most plausible way of stating the maxim of gun ownership, so that if it is unjust on this account all weaker reasons for gun ownership are nullified. As highlighted in yesterday’s entry, the strongest reason for firearm possession is a right to self-defense, so the most plausible way of stating a maxim for gun ownership will be based in a right to self-defense. So we might state the maxim accordingly: Out of a right to self defense, I will kill people in order to not be killed. I argued yesterday that a right to gun ownership could only be a derivative right from the fundamental right of a right to life. While I do think it is possible to derive a right to self-defense from the fundamental right to life, it seems patently false that a right to self defense, an abstract concept, entails a right to a man-made artifice — a gun. There are many ways to honor a right to self-defense, so it doesn’t follow that there is a derivative right to own a firearm. If the only way to defend oneself was categorically to use a firearm then yes, there would be a derivative right to a firearm from the derivative right of a right to self-defense. Since a firearm is not the only way to perform self-defense there is not a natural right to own a firearm. But if the right to self defense does not entail a right to own a firearm then we must remove “out of a right to self defense” from the stated maxim above because a right to self-defense, I have argued, is not relevant to gun ownership. What this leaves us with is this maxim: I will kill people in order to not be killed. This maxim is not universaliziable because if all persons in society killed people in order to not be killed then people who killed people in order to not be killed would be killed, such that they wouldn’t be able to kill people in order to not be killed. As this maxim cannot be universalized without society ceasing to function and entering a state of lawlessness (Kant also argued that laws that lead to lawlessness are not legitimate laws, see here for his argument) it cannot be the case that this maxim for reasons for gun ownership can be universalized. Thus, owning a gun is morally wrong, in the deontological sense of justice, though it might not be morally bad.

### Winkates 7

#### Soft power is key to thwarting global terror threats—US needs internationally accepted public policies like strict gun regulation.

Winkates 7 James Winkates (Research Professor at International Affairs Air War College) "Soft Power Contributions to U.S. Counterterrorism Strategy" Paper presented at the annual meeting of the International Studies Association 48th Annual Convention, Hilton Chicago, CHICAGO, IL, USA, Feb 28, 2007 http://citation.allacademic.com/meta/p181547\_index.html

External perceptions of policy legitimacy directly enhance a nation’s soft power. Because of domestic and foreign policy choices made by the U.S. government and even private business, America starts out disadvantaged in terms of perceived illegitimacy. The cutting difference is not the “rightness” or “wrongness” of the policy choices; rather it is that U.S. public and private decision selections are often at variance with the larger international community. National policy on capital punishment and gun ownership, for example, put America in a minority of governments on those issues. 15 With only 3% of world population, the U.S. uses nearly 25% of global petroleum supplies and we appear more self-indulgent in refusing to limit production of gas-guzzling vehicles. The U.S. has rejected the scientific validity of global warming, choosing not to sign the Kyoto environmental treaty. America has been very slow in raising the federal minimum wage as inflation has eroded previous income gains. The federal and state governments virtually ignore 43 million citizens who have no medical insurance whatever. Local governments and school systems often sidestep teaching evolution in schools. The corporate world turns a blind eye to extraordinary compensation and retirement packages for chief executive officers, compounded by the near-total loss of many company retirement accounts amid systemic greed, fraud, and embezzlement. The hard edges of capitalism, as practiced in U.S. business circles, diminish employer/employee loyalty and do not provide the “safety nets” common in other advanced industrial cultures to cushion layoffs, insure against major medical problems, and subsidize child care. In the foreign policy arena, the titanic defense of Israel and its settlement policy, the widely perceived indifference to Palestinian suffering, resort to “extraordinary rendition” of suspected terrorists, the persistent and public disparagement of the United Nations, and the preference for unilateral responses to perceived threats take a toll. There is a price to pay in external perceptions of arrogance, selfishness, and inequity that undergird soft power. A key, unstated assumption for the successful reliance on soft power is the resort to multilateral and institutional responses to problem solving. In the current national discussion on foreign policy, the framework of choice is labored by notions of how much unilateralism (US only) versus resort to more multilateralism (allies, coalitions, the UN), what historic US values and interests are at stake, and whether the perceived challenge or threat is more or less amenable to measures short of force and sanction. The unprecedented 9/11 attack on the US has polarized domestic debate over which policy instruments can best respond to anticipated near-term challenges to the proper ethical conduct and efficiency of the world’s lone superpower. The choice of how much hard or soft power to employ commands much time and energy of elected officials, strategic analysts, and indeed among the attentive citizenry. Always lurking in the background of public sentiment is the nostalgic preference for “just leave us alone” and solve your own problems. The optimal policy choice is not between hard and soft power, but rather how much of each to use , how best to employ those instruments, and when and with whom to engage . A concrete template is the set of responses outlined by James A. Thomson, President and CEO of RAND. He argued that in the long term the U.S. must fight the war on terrorism on at least nine fronts: counterproliferation, international cooperation, diplomacy, intelligence, image, police, development assistance; emergency planning, and lastly military power. Excluding the last element, the other eight foci call for the exercise of soft power. 16 His list of policy avenues came within a few months of 9/11. A s Nye further points out, “As for the sword, the United States will continue to need it from time to time in the struggle against terrorism . . . . Maintaining our hard power is essential to security, But we will not succeed by the sword alone.” 17 A cursory recounting of the use of the U. S. military instrument in the past twenty-five years (Lebanon, Grenada, Libya, Panama, Iraq [twice], Somalia, Bosnia, Haiti [twice], Kosovo, Afghanistan, Sudan, Philippines, and Liberia) reveals that overt reliance on military forces in every case has proven inadequate to achieve order and stability. Just as Senator J. William Fulbright, longest serving chairman of the Senate Foreign Relations Committee, warned of “the arrogance of power” during America’s Vietnam War, Nye cautioned of the dangers of “triumphalism” even before the euphoria that accompanied the initial US entry into Iraq in March 2003. 18 As he subsequently concluded, Winning the peace is harder than winning a war, and soft power is essential to winning the peace. Yet the way we went to war in Iraq proved to be as costly for our soft power as it was a stunning victory for our hard power. 19 Soft power uses neither threat/use of force nor reward/penalty of money to get others to want what we want in the broadest sense – peace, order, sustained economic development, preservation of human rights, international cooperation, and a world order that allows for diversity of political, economic, and cultural choices that can be accommodated without imposing one’s will on others. If hard power commands, coerces, and induces through the use of force, sanctions, payments, and bribes, soft power uses attraction, co-option, and agenda setting through promotion of institutional values, culture, and policies. Some middle size and smaller states have achieved considerable acceptance globally as niche actors using their soft power to lead by example. Canada (32 million people), for example, has carved out an attractive reputation as a multi-cultural nation that accommodates wide diversity at home and as a leader in international peacekeeping abroad. Three small Scandinavian countries (Norway, 4.5 million; Sweden, 9 million, and Denmark, 5.4 million) have earned plaudits for their consistently high annual per capita contributions in foreign economic aid and development assistance. These countries have acquired and maintained solid reputations over time for their national values and consistency of practice, both of which find considerable appeal in the global community. Nye points out that the soft power of a country derives from three sources: culture (attractive to others); political values (if it lives up to them at home and abroad); and foreign policies (if they are seen as legitimate and possessing of moral authority). 20 He acknowledges the conventional distinction between high culture (literature, art, and education) and popular culture (mass entertainment). The key to jsoft power success turns on the attractiveness of these elite and popular cultural values to others. 21 Universal versus parochial cultures and themes have more intrinsic appeal. Many foreign publics, even in countries at odds with US policies, have greatly admired US technology, music, movies, and television. Similarly, US universities and colleges have long been magnets for more than half a million international students who study on American campuses annually. 22 The Asian region remains the largest sending sector, accounting for 58% of all U.S. international enrollments. Six of the top ten sending countries are Asian (India, China, Korea, and Japan are the top four sources for international students). 23 No Middle Eastern state ranks in the top ten sending countries. In a recent public lecture, however, the Saudi Ambassador to the United States, Prince Turki Al-Faisal, noted that his country sends about 10,000 students annually to study in U.S. educational institutions. 24 U.S. student visas from the Middle East region understandably have been most reduced since the 9/11 terrorist attacks. Perhaps the most obvious yet underrated element of soft power is the significant advantage offered by the English language in a rapidly globalizing world. One long-time U.S. employee in the English language training field puts it this way: In recognition of the predominance of the English language, desperate parents around the globe are making huge financial sacrifices to provide English language instruction for their children . . . . demand for access to English language training gives the United States enormous leverage . . . . we have something the whole world desperately craves . . . . [Furthermore] English language proficiency is crucial to scientists, businessmen, merchants, doctors, scholars, and other professionals who want to stay abreast of the latest developments in their professions. 25 Language carries culture, values, norms, and ways of thought. The English language has become the world’s lingua franca and offers a pre-eminent vehicle for extending global outreach. US political values of democracy, minority rights, and free expression have acquired near universal appeal. In early 2004 the US Department of State created a new senior post responsible for all US public diplomacy ( the primary thrust is to “tell America’s story abroad”). Margaret Tutwiler in her first public testimony as officer in charge of the new program acknowledged that America’s standing abroad had badly deteriorated, and that “it will take us many years” to restore it. 26 Where those cherished ideals fall short, especially overseas, such as in the cases of prisoner abuses in Iraq, Afghanistan, and Guantanamo, Cuba, US esteem pays a heavy price. Governments can attract or repel international constituencies by their behavior, living up to announced ideals and standards or by failing to do so. Soft power is accrued only over long time intervals, so that observers can judge the measure of a country over time and through successive challenges and change of governments. World public opinion can be forgiving over specific failures if the pattern of attractive performance is mostly sustained over time. So, soft power is hard to accrue and not easily lost. It is also increasingly obvious that the US will need to husband and grow its soft power to maximize the cooperation with others to thwart the long-term challenge of the global terrorist threat. The Changing Nature of Global Threats New post-Cold War threats illustrate that the new enemies are very largely not sovereign states nor their armies, but increasingly failed states, terrorists, local warlords, petty tyrants, ad hoc militias, drug traffickers, organized and transnational crime syndicates, and even cyber outlaws. Unlike the traditional and conventional warfare threats of earlier decades, these new challenges often defy borders, and are characteristically dynamic, diverse, fluid, networked, and often unpredictable. Most cannot be subdued, or even controlled , by a single state , not even the remaining superpower. The more prominent characteristics of contemporary terrorism point to its transnational (not country specific) nature, reflecting loosely organized networks with spin offs and look-a-likes, increasingly inspired by deep religious convictions (mostly but not exclusively Islamist), often millenarian in philosophy (hastening end-of-the-world judgment), aimed to kill as many victims as possible, with some groups seeking weapons of mass destruction, and with victims very indiscriminately targeted (often including their own co-religionists and countrymen).

### Freedland 13

#### Allowing shootings to happen kills soft power.

Freedland 13 Jonathan (the Guardian's executive editor) “Washington DC shootings: America's gun disease diminishes its soft power” The Guardian September 17th 2013 http://www.theguardian.com/commentisfree/2013/sep/17/washington-dc-shootings-america-gun-disease JW

But America's gun disease diminishes its soft power. It makes the country seem less like a model and more like a basket case, afflicted by a pathology other nations strive to avoid. When similar gun massacres have struck elsewhere – including in Britain – lawmakers have acted swiftly to tighten controls, watching as the gun crime statistics then fell. In the decade after the rules were toughened in Australia in 1996, for example, firearm-related homicides fell by 59%, while suicides involving guns fell by 65%. But the US stays stubbornly where it is, refusing to act. When President Obama last tried, following the deaths of 20 children and six staff at Sandy Hook at the end of 2012, his bill fell at the first senate hurdle. He had not proposed banning a single weapon or bullet – merely expanding the background checks required of someone wanting to buy a gun. But even that was too much. The national security pundits who worry how a US president is perceived when he is incapable of protecting the lives of innocent Syrians abroad should think how it looks when he is incapable of protecting the lives of innocent Americans at home. On guns, the US – so often the world leader in innovation and endeavour – is the laggard, stuck at the bottom of the global class. Bill Clinton perfectly distilled the essence of soft power when he said in 2008, "People the world over have always been more impressed by the power of our example than by the example of our power." He was right. But every time a disturbed or angry individual is able to vent his rage with an assault weapon, killing innocents with ease, the power of America's example fades a little more.

### Donohue 15

#### Other countries prove—gun regulation reduces mass shootings.

Donohue 15 John “Ban guns, end shootings? How evidence stacks up around the world” CNN August 27th 2015 <http://www.cnn.com/2015/08/27/opinions/us-guns-evidence/> JW

Gun control around the world As an academic exercise, one might speculate whether law could play a constructive role in reducing the number or deadliness of mass shootings. Most other advanced nations apparently think so, since they make it far harder for someone like the Charleston killer to get his hands on a Glock semiautomatic handgun or any other kind of firearm (universal background checks are common features of gun regulation in other developed countries). • Germany: To buy a gun, anyone under the age of 25 has to pass a psychiatric evaluation (presumably 21-year-old Dylann Roof would have failed). • Finland: Handgun license applicants are only allowed to purchase firearms if they can prove they are active members of regulated shooting clubs. Before they can get a gun, applicants must pass an aptitude test, submit to a police interview, and show they have a proper gun storage unit. • Italy: To secure a gun permit, one must establish a genuine reason to possess a firearm and pass a background check considering both criminal and mental health records (again, presumably Dylann Roof would have failed). • France: Firearms applicants must have no criminal record and pass a background check that considers the reason for the gun purchase and evaluates the criminal, mental, and health records of the applicant. (Dylann Roof would presumably have failed in this process). • United Kingdom and Japan: Handguns are illegal for private citizens. While mass shootings as well as gun homicides and suicides are not unknown in these countries, the overall rates are substantially higher in the United States than in these competitor nations. While NRA supporters frequently challenge me on these statistics saying that this is only because "American blacks are so violent," it is important to note that white murder rates in the U.S. are well over twice as high as the murder rates in any of these other countries. Australia hasn't had a mass shooting since 1996

### Winkler 11

#### Historically, gun regulations cause racism and discrimination since they let some groups have firearms but others not.

Winkler 11 Adam (Professor of Law at UCLA) “Is Gun Control Racist?” The Daily Beast October 9th 2011 <http://www.thedailybeast.com/articles/2011/10/09/adam-winkler-gun-fight-author-on-gun-control-s-racism.html> JW

Actually, the gun-rights websites are on to something. As I discovered in researching my new book Gunfight: The Battle Over the Right to Bear Arms in America, for much of our history, gun regulation has been tainted by the stains of racism and discrimination. Today, the story is more complex than the simplistic slogans of gun-rights advocates. But there is no denying that racial politics have profoundly shaped America’s gun laws. Gun-rights hardliners are fond of dismissing nearly any gun-safety effort as a violation of the Second Amendment. Yet the men who wrote [the Second Amendment] and ratified that provision had extensive gun laws—and many of them were racially discriminatory. Not only did they support[e] laws prohibiting slaves from possessing guns, they also disarmed free blacks, who the Founders feared might join together with their brethren in chains to revolt. The fear of blacks with guns was one of the reasons behind the Supreme Court’s notorious decision in the Dred Scott case. Chief Justice Roger Taney’s opinion insisted that blacks could not be citizens because, if they were, they’d have all the protections of the Bill of Rights, including the right to “full liberty of speech... to hold public meetings on political affairs, and to keep and carry arms wherever they went.” America’s most horrific racist organization, the Ku Klux Klan, began with gun control at the very top of its agenda. Before the Civil War, blacks in the South had never been allowed to possess guns. During the war, however, blacks obtained guns for the first time. Some served as soldiers in black units in the Union Army, which allowed its men, black and white, to take their guns home with them as partial payment of past due wages. Other Southern blacks bought guns in the underground marketplace, which was flooded with firearms produced for the war. After the war, Southern states adopted discriminatory laws like the Black Codes, which among other things barred the freedmen from having guns. Racist whites began to form posses that would go out at night to terrorize blacks—and take away those newly obtained firearms. The groups took different names: the “Men of Justice” in Alabama; the “Knights of the White Camellia” in Louisiana; the “Knights of the Rising Sun” in Texas. The group formed in Pulaski, Tenn., became the most well-known: the Ku Klux Klan. Whites believed that they had to confiscate black people’s guns in order to reestablish white supremacy and prevent blacks from fighting back. Blacks who refused to turn over their only means of self-defense were lynched. Overly aggressive gun control often sparks a backlash, and that’s exactly what happened after the Civil War. Determined to protect the freedmen’s rights, Congress passed legislation like the Freedmen’s Bureau Act and the nation’s first Civil Rights Act. As the former law stated, blacks were entitled to “the full and equal benefit of all laws... concerning personal security... including the constitutional right to bear arms.” When these laws proved ineffective, the Fourteenth Amendment to the Constitution was added, guaranteeing all Americans the “privileges or immunities of citizenship”—by which the drafters meant the protections afforded in the Bill of Rights, including the Second Amendment. Today, we think of the National Rifle Association as a no-compromises opponent of gun control. In the 1920s, however, the NRA helped draft and promote restrictive gun laws in state after state—laws that were, in part, motivated by racism. Immigrants from Italy and Eastern Europe, who were known to carry around concealed pistols, were increasingly blamed for a spike in urban crime. Karl Frederick, the NRA’s president, helped draft the Uniform Firearms Act, model legislation that required a license to carry around a handgun. According to the law, only “suitable people” with a “proper reason” for being armed in public were eligible. Police used this law as an excuse to keep disfavored minorities from having guns. His reputation for peaceful non-violence notwithstanding, Martin Luther King Jr. applied for a license to carry a gun in the late 1950s after his home was firebombed. The recipient of daily death threats, the civil rights leader clearly had good reason to carry around a gun to defend himself. Yet Alabama police exercised the discretion the law afforded them to deny King’s permit request. Armed guards sought to protect King after that, and for a time guns were commonplace in his parsonage. William Worthy, a journalist who covered the Southern Christian Leadership Conference, reported that during one visit he went to sit down on an armchair and, to his surprise, almost sat on a loaded gun. One of King’s advisers, Glenn Smiley, called King’s home “an arsenal.” In the late 1960s, Congress and numerous states passed a wave of new gun-control laws and, once again, race and racism were not far from the surface. In California, conservatives like Governor Ronald Reagan responded to the Black Panthers, who conducted armed “police patrols” to oversee how officers treated blacks in Oakland, by endorsing new gun laws to restrict people from having loaded guns in public. In 1967, after Newark and Detroit suffered the worst race riots in American history, a federal report put part of the blame for the incidents on the easy availability of guns in urban neighborhoods. The next year, Congress passed the first federal gun-control law in decades. Among other things, the Gun Control Act of 1968 tried to restrict “Saturday Night Specials”—the cheap, easily available guns often used by urban (read, black) youth. The law, which was also supported by the NRA’s leadership, occasioned one critic to complain that the Gun Control Act was “passed not to control guns but to control blacks.” Like the Black Codes and the KKK’s disarmament efforts, the gun-control laws of the 1960s also led to a backlash. In the 1970s, a hardline group of NRA members staged a takeover of the organization’s leadership and committed the NRA to aggressive political lobbying to defeat gun control. Ironically, it was laws intended to limit access to guns by black and urban radicals and supported by conservatives like Reagan that fueled the rise of the modern gun-rights movement, which is famous for being white, rural, and right-leaning. Some whites thought the government was coming to get their guns next. In the years since, the racial politics of gun control have shifted dramatically. Given the high incidence of crime in some black communities, African-American politicians have sought measures to reduce gun violence. And it is primarily white politicians, representing white communities, that oppose gun control. America’s most recent gun-control efforts, such as requiring federally licensed dealers to conduct background checks, aren’t designed to keep blacks from having guns, only criminals. Of course, the unfortunate reality is that the criminal population in America is disproportionately made up of racial minorities.

### Cook 02

#### Banning handguns means that criminals will have guns and other citizens won’t—you don’t solve violence and make people more unsafe.

Cook 02 Clint “Should Handguns Be Banned?” Keep and Bear Arms February 1st 2002 <http://www.keepandbeararms.com/information/XcIBViewItem.asp?ID=1753> JW

How are all of these handguns to be removed from the public? If the government insists that private owners must turn in their handguns, I have no doubt that law abiding citizens would do just that, but would the people using guns to commit crimes be as willing to hand their weapons over? One could argue that the remaining handguns could be confiscated as the criminals using them were apprehended. How long would this take? How long should the American public go unarmed while the criminal population remained armed? 1 year, 2 years, 5 years? In the meantime, who or how does the now unarmed public, protect itself? The police are not responsible to protect the individuals; in fact their real charge is to investigate crime, apprehend suspects, and act as a general crime deterrent. The police are not meant to act as personal bodyguards. For argument 's sake, let's assume that the government is very aggressive in getting all of the illegal handguns off the streets. Will the criminal element remain unarmed? My guess is no. The government has been battling the illegal drug market for years, yet drugs still pour over our borders. Why should Americans believe that the government could prevent illegal handguns from entering America? A successful handgun ban would reduce violence. In order to reduce violence all guns must be removed from the criminal hands, and the guns cannot be allowed to return. I have very little confidence that this could happen, due to the number of guns out there, and the difficultly in preventing more guns from entering America. One final thought on this point, before I move on. It is currently illegal for felons to own handguns, yet most criminals are repeat offenders - laws and bans have not prevented criminals from using guns. I know the argument is that because handguns are so prevalent in our society that criminals have no problems obtaining them. I don't believe that removing handguns from the law-abiding public will prevent criminal from obtaining a firearm. Keep in mind that some of the countries with the highest murder rates have the strictest guns laws. In other words, gun bans in other countries have not stopped the violence. Even in America, some of the areas with the fewest guns have the highest violent crime rates. In the last 30 years gun ownership in America has increased, but the violent crime rate has dropped. Not only is the violent crime rate dropping, but also the number of murders in which firearms are used is dropping (FBI's 1998 Uniform Crime Report, Oct 1998) -- proof that crime can be reduced without preventing responsible citizens from owning guns. And in fact some legitimate, scientifically sound studies indicate that private gun ownership actually helps reduce violent crimes.

#### Self-defense outweighs gun deaths.

Cook 02 Clint “Should Handguns Be Banned?” Keep and Bear Arms February 1st 2002 <http://www.keepandbeararms.com/information/XcIBViewItem.asp?ID=1753> JW

Do handguns cause more harm than good? I have no doubt that if ALL guns in America were eliminated, that the number of murders would drop. However I believe that the total elimination of guns is an impossibility in today's world, and that violence would continue. Like it or not, handguns are a part of America's society, and are here to stay. Let's look at how handguns are being used in today's society, and investigate if in fact they do more harm than good. According to the FBI a full 2/3 of the instances in which a gun was fired, it was fired by a criminal at another criminal. The drug dealers and gang bangers are killing each other. Why aren't these people in jail? No gun restriction is going stop a criminal from committing a crime, but gun restrictions may prevent the victim having any feasible means of defense. Murders, rapist, muggers, these people have no respect for human life, so why would they respect the law? If these people were in prison where they belong, gun crimes would instantly drop 66%. A study conducted by The Department of Justice, the F.B.I, and other law enforcement agencies, and Prof. Gary Kleck from the School of Criminology, Florida State University says that handguns are used 1 to 1.5 million times a year, to prevent a crime from occurring. In most of these cases, no shots are ever fired. These 1 million plus instances are perfect examples of handguns doing more good than harm. No one was hurt, and quite possibly the handgun stopped someone from being hurt or murdered. Prof. Gary Kleck went on to do a study that showed victims who defended themselves with a gun suffered lower rates of injury than did those who resisted without a gun, or even those who did not resist at all but instead complied with to the attackers demands. Here is another example of handguns doing good. So while guns are often used to commit crimes and acts of violence, they are far more often the only means of preventing violence.

### McIntosh and Hatcher 10

#### Property rights are an intractable feature of neoliberalism. Analysis of that is important. Public good vs. private right distinction.

McIntosh and Hatcher 10 Wayne McIntosh (Professor, Department of Government and Politics University of Maryland) and Laura Hatcher (Ph.D., Political Science at University of Massachussetts) Introduction, Property Rights and Neoliberalism https://www.academia.edu/247356/Introduction\_to\_Property\_Rights\_and\_Neoliberalism\_ JW

Over the course of the last several decades, conservative libertarian and neoliberal groups have put constitutional demands for greater property protection on the agendas of courts in several countries, including the US. In addition to working in national courts and through constitutional processes, property rights activists, pressure groups and social movements have used administrative and regulatory mechanisms in their efforts. Meanwhile, in a range of arenas, lawyers and other advocates have diligently worked to include expropriation clauses in international treaties, such as NAFTA, and to structure the rules of conflict and jurisprudence that, in theory, protect the rights of investors, particularly from government encroachment. Indeed, the US-based Property Rights Alliance, an organization with a considerable record of involvement in litigation, legislative, and regulatory processes, has assembled a world-wide coalition of national affiliates to promote a common political-legal agenda, and has begun publication of an International Property Rights Index, rating 115 countries on the degree to which governing regimes recognize the sanctity of private property and its “protection for economic well-being” (http://internationalpropertyrightsindex.org ). Property rights have always held high status on the US political agenda and in many systems featuring a corporate capitalist economy. These rights are included in constitutional designs, debates, and development. Efforts to curb state appropriation of private properties for public purposes also have a long and storied history. The modern libertarian movement in the US (which has a familial relationship with neoliberalism abroad) has coupled animosity toward direct government seizures with resistance against regulatory regimes by attempting to demonstrate specific regulatory effects that allegedly diminish property values. According to this design, whether it is direct or indirect, government policy that penetrates the boundaries of private property violates a basic tenet of fundamental liberty. Ultimately, the effort appears to place cultural demands for property in a new light, both in the US and throughout the world. This collection provides a range of perspectives on these phenomena. Property Rights in Neoliberal Contexts In the case of property rights, neoliberalism’s role matters in part because it has, over the course of the last half of the twentieth century, responded to and been a part of restructuring our notions of property and the institutions that regulate it. “Neoliberalism,” however, is notoriously difficult to define and readers should not be surprised to find some tensions in the nuances discussed by the various authors in this volume. Tackling the problem of definition early on in this project, we asked our authors to use a broad understanding from Harrington and Turem’s 2006 article, “Accountability in Neoliberal Regulatory Regimes.” In it, they define neoliberalsm as implying “the (re)emergence of the market and economic rationale as the dominant organizing logic in society” (Harrington and Turem 2006: 204). Part of this process includes “the dismantling of the welfare state, erosion of social provisions, turn to monetarism in fiscal and financial management, tax cuts for business, and increasing disciplining of the state via markets and market mechanisms” (Ibid: 204-205). Similarly, David Harvey points out that the role of the state in this process is to “create and preserve” institutional frameworks that are appropriate for these practices (Harvey 2005: 2). Since property rights are fundamental to the market, understanding how property rights are structured as well as wielded to make claims seems an important element of understanding how these institutional frameworks come into being. Moreover, when property rights are restructured or new forms of property are created, power shifts in a society. Distribution of property, its uses, and whether owners of new forms of property will be granted the same rights as owners of traditional property, all become elements of restructured power. This strongly suggests that when property rights are mobilized by activists, we are seeing not only an attempt to shift societal structures, but also a symptom that structures have already shifted. Sometimes this happens as official actors attempt to regulate new property forms. At other times, this happens as different forms of knowledge (i.e., science, social science, and so on) challenge the way property is traditionally understood either through new forms of property or by highlighting how recognized rights of old forms of property do not work with a new invention or discovery. For example, do we own our own genetic material? Do the scientists who discovered the processes for studying genes (or any other patentable process for studying biology, genetics and so forth) own the material they can isolate, examine, and convert into marketable commodities? Does their right to the process itself extend to the object of that process? Or, is this part of a base of knowledge to which all humans should have access? Most importantly, how does the political struggle that takes place over such issues restructure power and create political claims? Clearly, no longer is the idea of property tied simply to land or real estate. Instead, we now recognize property in our ideas, our genetic material, bandwidths, as well as in stocks, bonds and various other “things” we claim to own. In the face of scientific innovation, this becomes even more complicated in a context where the free market of ideas is supposed to dominate the way we create and accumulate knowledge. But scientific innovation even places pressure on old forms of property, such as land. Here is an object whose property value we often think we already understand and that its core property meaning has been established. Yet, we find that market issues have changed our understanding of ownership, of what can be “owned,” and what owners can do with their land. Moreover, scientific developments that challenge old understandings of land use, as well as market forces that push us to redevelop land for new purposes, strain these supposedly settled understandings. The law responds to changing technology and market forces by adapting and attempting to regulate land in new ways. But, if law stipulates what uses we can make of our land, and some uses will be more profitable than others, can we claim a property right in the lost value associated with uses that are deemed unacceptable? And, how is a right to use land for economic development different from the set of rights that accrue to an owner who uses the land for a home? As new forms of property are created, it is no wonder that property rights claims become a means of contesting not only their regulation, but their very character. We ask the questions above not as normative political theory, with an eye to what the law should say, but rather because we are curious about how law is changing to meet the demands of new technologies and market forces in an era of neoliberal regulatory reform. A close analysis of property rights mobilizations highlights the tensions within concepts such as “the public good” and “private rights.” These tensions seem unavoidable in a context where market logics represent the dominant organizing rationales for society. As Laura Hatcher explains in her chapter, such issues make traditional matters of land use planning much more difficult for the state as it also attempts to struggle with demands from property rights owners to develop land for economic use. New technologies also stimulate tensions in part because of the new forms of property they create. Victoria Henderson’s chapter presents us with an example of where activists in other countries see private ownership of bandwidth to be troubling because it interferes with public discourse, while Andrea Boggio shows that the discovery of genetic materials and the desire of scientists to pursue their findings raises questions concerning who has control over both the genetic material and cultural heritage. These chapters suggest that when property changes shape or a new form of property is introduced in political contexts where the understanding of property is itself in a state of flux, how to structure the rights of owners and what, if any, regulation is appropriate become matters for mobilization. Authors in this volume highlight that these contests are not merely about gaining a political advantage in a regulatory environment; rather, they remain very much about the way we should understand property and the rights associated with it in the midst of contentious politics concerning neoliberal deregulation and (re)regulation.

### Avsar 8

#### Rhetoric of supporting ownership props up neoliberalism.

Avsar 8 R.B. (Department of Economics, The University of Utah) “A Critique of ‘Neoliberal Autonomy’: The Rhetoric of Ownership Society” Social Economics 2008 <http://content.csbs.utah.edu/~mli/Graduate%20Placement/Avsar_The%20rhetoric%20of%20ownership%20society.pdf> JW

The idea of an ‘ownership society’ seems to have been introduced first by George W. Bush in 2003 during his campaign for the upcoming presidential election1. He later seems to reach out his message to the public when he offers US citizens “a vital stake in the future of our country” (Bush 2004) by extending personal ownership to a variety of domains. The option of managing one’s own retirement – or a partial privatization of Social Security – appears to be one of the policies through which a society of owners could be promoted. The rhetoric of Ownership Society has expectedly become the centerpiece of, what Snow and Benford (1988) call, “the motivational frame” behind the reform of Social Security through private savings accounts: “Ownership, access to wealth and independence, should not be the privilege of the few. They are the hope of every American, and we must make them the foundation of Social Security” (Bush 2001). Cato Institute’s definition attempts to give the term ‘ownership society’ a coherent philosophical content to make explicit what President Bush really means by the term: President Bush says he wants America to be an “ownership society.” What does that mean? People have known for a long time that individuals take better care of things they own. Aristotle wrote, "What belongs in common to the most people is accorded the least care: they take thought for their own things above all, and less about things common, or only so much as falls to each individually (…) An ownership society values responsibility, liberty, and property. Individuals are empowered by freeing them from dependence on government handouts and making them owners instead, in control of their own lives and destinies. In ownership society (…) workers control their retirement savings. (Boaz 2006) Individual ownership is depicted by Cato Institute as the road to greater autonomy. A similar appeal to the ideal of autonomy, and emphasis on its relation to individual ownership are made by the Bush administration: We will widen the ownership of homes and businesses, retirement savings and health insurance (…) preparing our people for the challenges of life in a free society (…) by making every citizen an agent of his or her own destiny (Bush 2005a). One of the great goals of our administration is to help more Americans find the opportunity to own a home, a small business, a health care plan, or a retirement plan. In all of these areas, ownership is a path to greater opportunity, more freedom, and more control over your own life (Cheney 2005). Unlike Hayekian and Friedmanite notions of autonomy, the rhetoric of Ownership Society glorifies the neoliberal notion of autonomy but does not explicitly question the moral basis of Social Security. On the contrary, the reform proposal introduces Social Security as ‘moral success’ whose purposes will be honored. In an attempt to make a detached economic case for private retirement accounts, it frames the Social Security reform debate in terms whose meanings move along neoliberal lines. Framing Social Security Privatization Fairclough (2002: 121) defines discourses as “diverse representations of social life which are inherently positioned” and Samuels (1992: 18–19) argues that (…) discursive creations are the object not only of inquiry but of manipulation: control of language and of knowledge-belief is control of definition of reality and thereby of policy and thereby, further, of the social (re)construction of this produced reality. (Original emphasis) From this perspective, one could argue that the rhetoric of Ownership Society is instrumental in controlling the terms of the reform debate to make a case for the transformation of Social Security. The ideal expressed by the rhetoric of Ownership Society – an attempt to advance the cause of individual autonomy in the neoliberal sense – presents itself discursively as a project in the spirit of the system. However, its materialization would amount to partial abolishment of Social Security. As Béland puts it, “… the issue of Social Security privatization has been framed as an attempt to ‘save Social Security’ while transforming its very nature” (Béland 2005: 186)2. Specifically, the rhetoric of individual ownership outlined above (1) identifies Social Security, as mentioned above, with “IOUs in a file cabinet,” which represents a bad stewardship of people’s money, (2) characterizes individuals as rational investors, or working capitalists, who are capable of investing their own payroll taxes in a more prudent way than the government, and (3) presents privatization as a better financial deal for all regardless of their social and economic status. As explicit in Bush’s following remarks, this framing strategy reduces Social Security to a form of financial investment comparable easily to a commercially available alternatives: (…) there's a 401(k) culture in America – in other words, more and more people are investing their own money. They know what it's like. Why don't we extend this concept to make it available for younger workers, if they choose to do so (…) We'll give you an opportunity to make sure you get a better deal out of the Social Security system (Bush 2005e). According to this view, the existence of Social Security – lower rate of returns or bad investments – has been justified so far on the basis of financial illiteracy among the American people. However, an emerging “401(k) culture in America” now indicates that this justification has lost part of its appeal. Moreover, financial illiteracy should not be an excuse to “run away from ownership. We ought to provide the means to encourage ownership” (Bush 2005d) not to limit the investor class to just a few people. Private retirement accounts promise to give individuals more control over their financial future and allow them to partake in the benefits of investing in the financial markets. This is what the Bush’s “vital stake” remark refers to. From this perspective, income security at retirement should be considered a matter of personal financial investment while the government relinquishes the responsibility of ensuring workers’ economic security in their old age. As Soederberg perfectly sums up: The rhetoric of Ownership Society is aimed at encouraging workers to become more proactive and to create individually the conditions for their own security by learning to embrace the rationality of the marketplace (Soederberg 2007: 96). Greater personal autonomy is secured through internalization of individual responsibility once individuals are allowed to “to reap the benefits of their own successes and pay a price for their failures” (Surowiecki 2004) with their investments. Social Adequacy, Autonomy and “Pro-social” Rhetoric This section criticizes the monopoly enjoyed by neoliberalism over the notion of autonomy in the reform debate. In doing so, we introduce the elements of what we will call ‘pro-social’ rhetoric. Following The American Academy of Actuaries (2004), Social Security could be considered, for the reasons summarized on Table 1, to represent a balance between social adequacy and individual equity where pure individual equity and pure social adequacy represent the two poles on a continuum of possible (insurance) program designs. Private-retirement accounts, then, “would represent an attack against redistribution and the so-called social adequacy component of the program that has existed since the New Deal” (Béland 2005: 169). Alternatively put, this individual account arrangement will swing away from a pursuit of social adequacy and toward a form of individual equity – or actuarial fairness). The notion of social adequacy that rests on “ensuring that all covered workers and their families enjoy adequate basic protection from a number financial hazards” (The American Academy of Actuaries 2004: 1) is seemingly rejected by both Hayek and Friedman through the invocation of individual autonomy – or self-reliance. More accurately, the neoliberal notion of social adequacy does not violate the principle of autonomy as long as it remains limited to charity whose provision is left basically to the moral decisions of individuals. When advocates of the Bush proposal promise to make individual ownership the foundation of Social Security, the social-adequacy component of the system simply fades away in the name of individual choice. We are of the opinion that a pro-Social Security rhetoric should take into account the fact that economic-policy debates are almost wholly debates about meaning. As Lakoff (2002: 385) argues, “Language is associated with a conceptual system. To use the language of a moral or political or economic conceptual system is to use and to reinforce that conceptual system.” We implement this insight by challenging the common-sense hegemony of neoliberal autonomy in the Social Security debate. The term ‘neoliberal autonomy’ is chosen on purpose to imply that there are alternative conceptualizations available which lead to potentially different policy conclusions through which different economic realities could be constructed. A pro-social rhetoric can and should emphasize the fact that autonomy can be understood in an alternative sense as a desirable characteristic in whose creation the pursuit of social adequacy plays an integral role. We do not intend to reject the commitments embodied in this concept of autonomy like self-determination. Rather, by customizing Agich’s (2003: 125) argument for long-term care to Social Security debate, we are of the opinion that an adequate philosophical treatment of autonomy requires the awareness of the contextual nature of the concept of autonomy instead of relying on an abstract ideal. Our question: What practical purpose might neoliberal autonomy actually serve in the context of old-age financial security? Alternatively, is having uncoerced choices identical to practicing autonomy? O’Neill (1998: 90) argues that “the concept of autonomy is misleadingly characterized if it is contrasted only with the vice of heteronomy.” The neoliberal concept of autonomy is similarly the outcome of this fallacious logic. This characterization of autonomy, which emphasizes the reliance of each individual on his or her own understanding and decision-making skills, independent of the authority of others, to shape his or her life, rejects any authoritative standard as described by Hayek, Friedman, and the Cato Institute. It is not coincidence that the term self-reliance can easily be substituted for autonomy as conceived by the neoliberals. Consider now one’s reliance on a doctor’s judgment about medication, say, to reduce his risk of heart attack. It fails in the test of neoliberal autonomy (or self-reliance) since it entails reliance on the doctor’s authority. Does this really make him less autonomous? One might think, therefore, the concept of autonomy “needs to be contrasted also with an opposing vice: the vice might be termed that of excessive self-assertiveness” (O’Neill 1998: 90). Although this issue is not addressed by Hayek or Friedman, nor by the rhetoric of Ownership Society, it will be utilized here as the basis for a pro-social rhetoric.

### Esposito and Finley 14

#### Pro-gun rhetoric centers around the state being too intrusive. This is neoliberal ideology.

Esposito and Finley 14 Luigi Esposito (Associate Professor of Sociology and Criminology at Barry University) and Laura Finley (Assistant professor of Sociology and Criminology at Barry University) “Beyond Gun Control: Examining Neoliberalism, Pro-gun Politics and Gun Violence in the United States” Theory in Action, Vol. 7, No. 2, April (© 2014) <http://transformativestudies.org/wp-content/uploads/10.3798tia.1937-0237.14011.pdf> JW

While much has been written about America's "gun culture" and how this culture is tied to a long history of anti-statist individualism in the US, much less attention has been given to how this culture (i.e., the set of values and beliefs that underpin pro-gun/anti-gun control politics) has, especially in recent decades, been supported and reinforced by the prevailing market ideology commonly referred to as neoliberalism.3 This paper contributes to the existing literature by addressing directly how the legitimacy of pro-gun politics in this country, especially in recent years, has relied on specific beliefs and cultural tropes that are at the heart of neoliberalism.4 Widely regarded as the dominant political-economic paradigm of our time, neoliberalism entails a view of the world that downplays the social realm and emphasizes the individual as the only viable unit of concern and analysis (e.g., Esposito 2011). Neoliberalism stresses competitive individualism as a natural outgrowth of human freedom, encourages a religious-like faith in the presumed powers of the free market to promote freedom and an optimal order, and understands the state as a protector of the prevailing market order as opposed to a guarantor of social or economic justice. In effect, supporters of neoliberalism envision an ideal universe as one consisting of autonomous, self-contained individuals freely pursuing their selfinterests with minimal political interventions. Efforts to promote this neoliberal vision of the world involve among other things, doing away with "big government" (otherwise known as a "nanny state"), emphasizing personal responsibility instead of social justice, prioritizing the private realm over the public sphere, and treating social problems as personal issues. This paper addresses how these typical neoliberal tenets are linked to (and support) pro-gun politics in the U.S. After providing a general overview of neoliberalism within the context of the gun control debate, we address the following key points: (1) the quasi-sacred status accorded by many gun enthusiasts to the Second Amendment has, especially in recent years, been invoked as a rhetorical tool to justify citizens' right to defend their liberty and property against the presumed evils neoliberals associate with "big government" (i.e., tyrannical state intrusion on private lives, increased regulations, etc.); (2) America's gun culture is tied to notions of selfreliance and "rugged individualism" that current neoliberal ideology associates with virtue and responsibility; (3) the sort of hyper-masculine subject associated with pro-gun politics-the type of individual prepared to take any measure, including violence, to protect "what is his"-is compatible with (and reinforced by) the sorts of values and forms of agency encouraged within a neoliberal market society (i.e., being competitive and doing whatever is necessary to survive and thrive in a "winner take all society"); and (4) unjustified gun violence is typically understood by many opponents of gun control and throughout much of the mainstream media as a personal trouble involving irresponsible, evil, or sick individuals rather than a societal problema position that is consistent with the neoliberal tendency to personalize social problems, thereby discouraging questions about the social dimension of this issue. We conclude by making the point that far from simply pushing for stricter gun controls, those who seek to minimize gun violence need to expand their critique. Considering that the estimated 300 million guns that currently exist in the United States will not disappear irrespective of whether or not stricter gun laws are passed, we argue that a more holistic approach to minimizing gun violence is needed. This approach would include building a popular movement that challenges the societal conditions and ideological forces that promote gun violence. Specifically, minimizing this problem would also have to include efforts to challenge the neoliberal worldview and structures that, among other things, erode social bonds, encourage hyper-individualism, and normalize a "survival of the fittest" ethic. NEOLIBERALISM, FREEDOM, AND TYRANNY In a 2003 article, Yale legal scholar and psychologist Dan M. Kahan argues that the ongoing debate about gun control in the U.S. has been dominated by what he calls the "tyranny of econometrics" (i.e., debates revolve around whether or not "more guns" produce more or less crime and violence). Kahan suggests this focus on quantitative outcomes either ignores or trivializes how both sides of this debate are predicated on fundamentally different worldviews that shape and give coherence to their respective interpretations of "what America is and ought to be" (Kahan, 2003, p. 6). Specifically, a focus on econometrics downplays how the majority of those who support gun control base their position on an egalitarian and solidaristic view of the world, while a majority of those who oppose gun control base their arguments on a more hierarchical and individualistic vision. Without taking these opposing visions into account, the debate ignores the crucial relevance of culture in shaping people's attitudes about gun control. Consistent with Kahan's analysis, one might also argue that both sides of the gun control debate have very different understandings about the role of government in a free and democratic society. Among those who support gun control, a majority tends to embrace a progressive understanding of government. Stated simply, they believe that people- through activism and direct participation-can harness the power of government to advance human freedom, challenge societal injustices, and protect the common good (Esposito and Finley 2012). Government, in this sense, can be a potentially benevolent mechanism that works to create a better society for all. This position stands in sharp contrast to the vision espoused by a majority who oppose gun control. Among many of those in this latter camp, government is invariably the enemy and can therefore never be trusted to promote the well-being of the populace. Self-reliant individuals competing in a free market, as opposed to a central authority, is what promotes an optimal society. According to this viewpoint, hierarchy is simply a natural product of freedom and it is really up to individuals to look after their own interests-including their personal safety. Having unrestricted (or minimally restricted) access to firearms as a way to protect oneself and one's family should thus be a fundamental right. For over three decades, this latter position-which has dominated social, political, and cultural discourse in the United States-has been bolstered and reinforced by the market ideology often referred to as neoliberalism. At its most basic, neoliberalism is typically associated with pro-market policies such as de-regulation, privatization, and liberalization. Neoliberalism, however, is far more than simply a body of policy prescriptions. Developed in opposition to Keynesianism and similar theories calling for a regulated economy and a strong welfare state, the architects of neoliberalism, which include economists such as Friedrich Hayek and Milton Friedman, understand the free market as a quasi-infallible mechanism for organizing social life (e.g., Harvey 2005; Klein 2007; Giroux 2008; Esposito 2011). Centralized state planning, according to neoliberals, is burdened by a series of bureaucratic restraints that compromise efficiency, particularly within the social and economic realms (Harvey 2005) . Therefore, rather than relying on the state, most social or economic objectives are best achieved by individuals operating within the private realm (e.g., Friedman and Friedman 1980; Friedman 1982). It is within the private realm that persons have the freedom to act in their self-interest as they "see fit." Neoliberalism, in this respect, draws from classical liberal principles and emphasizes that, under conditions of freedom, individuals are rational actors who constantly makes calculations of what will serve them best. Minimizing government and handing over as much of the economy and society in general to the private sector is thus a central objective in the neoliberal agenda. This shift presumably promotes an efficient order of autonomous individuals who, by freely pursuing their preferences, are able to meet their own needs and control their own destinies. Although neoliberalism draws from classical liberalism and neoclassical economics, what makes this perspective unique (and particularly radical) is its effort to extend the logic of the market to virtually every sphere of social life (Esposito 2011). This includes the state itself. As discussed by Soss, Fording and Schram (2009, p. 2), neoliberalism constitutes a "movement to integrate state and market operations, mobilize the state on behalf of market agendas, and reconfigure the state on market terms." In effect, rather than the "guardian of the public interest," the state under neoliberalism is transformed into a servant of the market (e.g., Giroux 2008). To use gendered imagery first employed by Pierre Bourdieu and further developed by Loic Waquant (2010), under neoliberalism the "left hand" or "feminine" side of the state (i.e., the side of government in charge of securing social needs and the public good ) is downplayed in favor of the "right hand" or "masculine" side of the state (i.e., the side that neglects social welfare and focuses on issues like penal policy and national security). By emphasizing this so-called "masculine" side of the state, any efforts by the government to reduce inequalities or to advance objectives related to social or economic justice are regarded by neoliberals as incompatible with a free society. The neoliberal emphasis on personal liberty is at the heart of this tendency. In a neoliberal universe, personal responsibility and self-reliance are the sine qua non of liberty (Soss, Fording and Schram, 2009). Whatever troubles individuals might face are regarded as direct results of bad personal choices, poor moral judgment, weakness of character, or some other type of personal deficiency. Solutions to virtually all problems thus involve making the proper personal adjustments that will produce better results. On the other hand, any attempt by the state to intervene in the interest of resolving specific social problems is viewed as suspect. Friedrich Hayek, for example, emphasized that concepts such as social or economic justice are empty abstractions that justify government tyranny and violate personal autonomy. In fact, any project that intrudes on the private/personal realm in the interest of achieving a "social" objective is assumed by neoliberals to be an artificial imposition that threatens a free society. Among millions of Americans, a perceived attack on gun rights by the federal government has, in recent decades, been understood as a clear sign that people in this country are facing the threat of tyranny. This .perceived threat is at the heart of the so-called Second Amendment Movement (e.g., Burbick, 2006).

#### Pro-gun rhetoric about individual liberty and rights is neolib. NRA is tryin to con us!

Esposito and Finley 14 Luigi Esposito (Associate Professor of Sociology and Criminology at Barry University) and Laura Finley (Assistant professor of Sociology and Criminology at Barry University) “Beyond Gun Control: Examining Neoliberalism, Pro-gun Politics and Gun Violence in the United States” Theory in Action, Vol. 7, No. 2, April (© 2014) <http://transformativestudies.org/wp-content/uploads/10.3798tia.1937-0237.14011.pdf> JW

NEOLIBERALISM AND THE SECOND AMENDMENT According to various commentators, the modem Second Amendment/Pro-gun Movement gained momentum in the mid-20th century as a backlash against the advances made by the Feminist and Civil Rights Movements (e.g., Burbick 2006; Connel 2005; Ansell 2001). Specifically, the Second Amendment became a tool to defend White male privilege against the threat of an activist government (what by the 1980s become widely known as the "nanny state") that supported feminist ideals and coddled racial minorities and other presumably "undeserving" groups. These fears, combined with laws such as the Gun Control Act of 1968, are also what, at least in part, prompted the radicalization of the National Rifle Association (NRA). Indeed, by the 1970s, the NRA "underwent a political revolution" and went from being primarily a sports organization to a far right pro-gun lobby (e.g., Melzer 2009). By the early 1980s, neoliberalism gained prominence under the Reagan administration. Interestingly, it was during the Reagan administration's neoliberal restructuring of the "American political, economic, and cultural landscape" that this country witnessed an increase in gun violence and especially a rise in mass shootings.5 As Reagan's neoliberal reforms gutted the welfare state and the idea of self-reliance became promulgated as synonymous with a free society, success became increasingly "defined in terms of power, economic attainment, and social status" (Klein 2012, p. 156). All these measures, according to various critics, promoted an apathetic society where social bonds became increasingly eroded and replaced by hedonistic materialism, rabid individualism, extreme competition, and narcissism (e.g., Klein 2012, see also Hall, Winlow, and Ancram 2005). To a large extent, this trend continues to this day. As has been widely documented, since the Reagan era, there has been a dismantling of community in favor of a hyperindividualized type of liberty in which the unrestrained pursuit of selfgain is valued over everything else (e.g., Giroux 2008; Esposito, 2011). In recent years, millions of Americans who embrace the neoliberal emphasis on individual liberty over everything else have become particularly suspicious about the U.S. government under President Obama. Because the president has, to some extent, shown more willingness than many previous presidents to deploy the power of the state to promote a variety of social and economic objectives-e.g., signing the Recovery Act, passing Healthcare Reform, strengthening the nation's safety net for the needy, etc.- millions of Americans regard this as a shift to "socialism." Consistent with neoliberal philosophy, a large segment of the American electorate believes that Obama's presumably interventionist policies signify the onset of a growing state apparatus (an unprecedented "big government") whose influence will gradually seep into every facet of social life and undermine personal liberty, self-reliance, and the free market. In short, millions of Americans believe that Obama's policies are paving the "road to serfdom" feared by Hayek (1944). In recent months, calls for tighter gun control among President Obama and other people in government (e.g., Senator Dianne Feinstein's proposal to re-instate a federal ban on assault weapons) have further reinforced fears of tyranny and government intrusion on Americans' "private lives."6 Stated simply, the Second Amendment, which is often regarded by the pro-gun/anti-gun control community as a requisite for freedom and the primary basis for all other individual rights, is believed by millions of Americans to be currently under attack. Even a cursory reading of some of the statements put out by the NRA and other pro-gun groups-particularly against President Obamaclearly reveals this sentiment. For example, in his recent book titled America Disarmed, Wayne LaPierre (2011), CEO of the NRA, argues that President Obama is the most anti-Second Amendment president the country has ever seen. LaPierre associates the president's presumably anti-gun zealotry to allegations that Obama has been profoundly influenced by supporters of communism such as Frank Marshall Davis and other alleged sympathizers of totalitarian governments. LaPierre even suggests that Obama's own fatheran alleged "anti-Western Communist"- might have shaped his presumably fanatical anti-gun/anti-Second Amendment stance, as Obama Sr. "favored the kind of oppressive discriminatory government that almost necessarily requires a disarmed populace" (LaPierre, 2011, p. 265). Important to note is that this fear of tyranny promoted by LaPierre and the NRA in general has undoubtedly benefitted the gun industry. As Fang (2012) notes: Fear that the government will disallow guns has resulted in Americans flocking to stores to stock up on weapons-lots of them. From Alaska to Florida, gun sales across the country are going through the roof...In Tennessee, officials say gun purchases likely hit an all-time high. Walmart has reportedly run out of semiautomatic rifles in five states. Interestingly, the NRA itself benefits financially from gun and ammunition sales, a fact not widely known by the public. As suggested by Dreier (2013): On its website, the National Rifle Association claims that it is not affiliated with any firearm or ammunition manufacturers or with any businesses that deal in guns and ammunition. This is a lie, as a number of recent reports have documented. In fact, the NRA is primarily a front group for the nation's gun manufacturers. The NRA receives a dollar for every gun or package of ammunition sold at participating stores. Other NRA corporate fundraising initiatives also allow customers to make donations to the NRA at the time of purchase. Some, like Sturm, Roger & Co., even mandate contributions for every purchase. And, importantly, since these deals are part of the NRA's 501(c)4 affiliate, not its' 501(c)3 status, the funds can be spent on political advertisements and for lobbying for gun-friendly legislation (Fang, 2012). Sugarmann (2012), for example, notes that between 2005 and 2010, the NRA received somewhere between $19.8 and $52.6 million in contributions from corporate partners, most of which (74%) are gun or ammunitions manufacturers or producers of other shootingrelated products. Considering all this, the argument can be made that the fear tactics used by the NRA are consistent with what Naomi Klein describes in her book The Shock Doctrine: The Rise of Disaster Capitalism. Namely, by encouraging fear that "Obama will take our guns," the NRA manipulates public opinion to push a neoliberal agenda associated with de-regulation that benefits the gun industry. The NRA, of course, is not alone in promoting this sort of fear mongering. Similar arguments about Obama's and other politicians' proposed gun controls being an attempt to disarm Americans in an effort to institute a tyrannical "big government" have been made in recent months by various public officials, media pundits, and at anti-gun control rallies, which are overwhelmingly attended by White men.7 According to various writers, this fear of disarmament and tyranny are also typically racialized in that they are often expressions of "anxieties associated with White men's declining status" (Carlson, 2012, p. 1113). On this point, Tom Diaz, author of several books about the gun industry, recently noted the following in an interview: If you look at where these guns are sold, this is primarily a Red State phenomenon. People are driven by a fear of the other. NRA President Wayne LaPierre talks often in terms of race and ethnicity. The gun industry's consumers are afraid, the world is changing around them, and they think guns will protect their way of life (Winston & Graham, 2013). These fears, however, also go beyond a racial issue. Indeed, what is at stake, according to many gun supporters, is not simply a threat to White privilege and gun ownership but the future offreedom itself Referring to the alleged menace of gun control, Forbes magazine's Lawrence Hunter (2012) recently wrote: It's not really about the guns; it is about the government's ability to demand submission of the people. Gun control is part and parcel of the ongoing collectivist effort to eviscerate individual sovereignty and replace it with dependence upon and allegiance to the state. Another related narrative used among gun supporters to oppose gun controls is that such measures leave responsible, law abiding citizens without any viable means of protecting themselves against criminals and/or violent predators. Consistent with the neoliberal claim that government is inept, this common argument is predicated on the idea that the state (this includes the police and other law enforcement agencies) is inefficient and thus largely incapable of protecting citizens (see Carlson 2012). Disarming the public is thus akin to a proverbial "throwing the lambs to the wolves" scenario. This distrust of government, along with the fact that fear of crime in the U.S. is out of proportion to actual crime rates (e.g., Shelden, 2010), encourages an insistence among millions of Americans to want easy access to guns as a way to protect themselves, their families, and their property. This logic fits perfectly with (and is reinforced by) neoliberal ideology and its emphasis on private solutions to all problems. This same ideology is also what has encouraged and glamorized the sort of rugged individualism that is at the heart of pro-gun politics.

#### Neoliberal virtue is the rugged individual-this is what the NRA wants and stuff.

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LOOKING OUT FOR ONESELF: GUNS, RUGGED INDIVIDUALISM, AND NEOLIBERAL VIRTUE In a neoliberal world, a virtuous citizen is one that is self-reliant, assumes personal responsibility for his/her own problems, and demands or expects as little as possible from others, especially from government. This ideal version of a neoliberal subject is consistent with the notion of "rugged individualism"-i.e., the type of individual who embodies the American pioneer ethic, steps up to any challenge, and lifts him/herself "up by his/her boot straps." In contrast, any person who fails to display these qualities is assumed to fail not only as an economic actor, but also as a moral being (Soss, Fording, and Schram 2009, p. 4). Indeed, those who rely on welfare assistance and other "government hand-outs" are regarded as morally corrupt individuals who live off tax payers and lack proper values. Personal virtue and responsibility, therefore, is expressed in behavior aimed at meeting one's personal needs and resolving one's own personal problems. Among many in the pro-gun community, support for this neoliberal tendency to associate virtue with rugged individualism and to emphasize private/personal solutions to all social problems is easily discernible. In his book Gun Crusaders, Scott Melzer interviews members of the NRA and described the following: [A] do-it-it-yourself attitude is the basic philosophy of most NRA members. Need protection? Buy a gun and learn to shoot. Not earning enough money to make ends meet? Work harder. Can't afford child care or health care? Don't expect government to bail you out. Freedom and self-reliance are indivisible. A country whose citizens have to rely on government for personal safety or basic needs is a country that is lazy and apathetic, and ultimately undemocratic (Melzer, 2009, p. 28). The parallel between Neoliberal ideology and what Melzer described as the "do-it-yourself' philosophy embraced by members of the NRA cannot be clearer. Not only freedom but democracy is assumed to be synonymous with self-reliance. Both neoliberal and pro-gun philosophy reinforce one another in that both presuppose an atomistic view of the world in which people are not understood as part of an interconnected community. Instead, all individuals are assumed to be autarkic subjects concerned almost exclusively with their own private lives. Far from supporting freedom and democracy, therefore, critics argue that what easily results from this social imagery is a depoliticized citizenry that is anathema to an effective democracy (e.g., McChesney 1999). As is well known, a viable democracy requires that people have a strong sense of connection to their fellow citizens. Yet because of the emphasis on self-interest/self-reliance, neoliberalism attenuates democracy by giving individuals a green light to prioritize their self-serving interest over those of a community (e.g., Giroux 2008). The fanatical-like zeal with which many gun supporters prioritize Second Amendment rights over all other rights is consistent with this tendency. While those who support the Second Amendment emphasize the individual's right to own firearms in order to protect his/her personal liberty, safety, or property, this right ignores the fact that individuals are also members of a community. More specifically, an emphasis on the individual's right to own firearms overlooks how that right might infringe on other people's right to live without fear of unprovoked gun violence or unintended gun-related tragedies. And while ardent Second Amendment supporters might argue that guns are a tool to protect human life, there should be little doubt that the logic behind pro-gun/ anti-gun control politics-much like the logic advanced by neoliberal ideologypresupposes an "every person to him/herself' type of order as normal and even virtuous. At most, armed individuals might decide to take "heroic" action and come to the rescue of others during incidents such as mass shootings (much like neoliberals suggest that private charity should replace the welfare state as the primary mechanism for dealing with people in need, but the individual's right to own firearms supersedes any communal/societal concern associated with gun violence. Violence, according to many gun supporters, is an unavoidable fact of human life and getting increasingly worse (a common assumption not supported by the evidence). Accordingly, it is ultimately the responsibility of mature, sane individuals to take the necessary measures to protect themselves and their families against this presumed reality. As an example of this, consider a recent radio advertisement in which Milwaukee County Sheriff, David Clarke, gives citizens the following message: I'm Sheriff David Clarke, and I want to talk to you about something personal...your safety. It's no longer a spectator sport.... simply calling 911 and waiting is no longer your best option.. ..You can beg for mercy from a violent criminal, hide under the bed, or you can fight back; but are you prepared? Consider taking a certified safety course in handling a firearm so you can defend yourself until we get there. You have a duty to protect yourself and your family. We're partners now. Can I count on you? (quoted in Cirilli, 2013). Although the Sheriff invites law-abiding community members to be "partners" in the fight against crime, what is ultimately proposed is an every person to him/herself type of crime control. Rather than supporting measures that might minimize violence by addressing its root causes, people are encouraged to be personally responsible for their own safety. Therefore, owning a firearm and being competent at using them becomes a requisite for being a virtuous and responsible member of society. This sort of virtue is also gendered and associated most closely with dominant American understandings of masculinity.

#### Interesting interaction w/ gender stuff.

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NEOLIBERALISM, MASCULINITY, AND GUNS As Messerschmidt (1993), Messerschmidt and Connell (2005), Katz (2006), and others have noted, men leam that to "do masculinity" means to act aggressively. That is, gender is not innate but instead something that is nurtured throughout the life course and via numerous institutions. Male gender norms generally promote risk-taking, aggression, and encourage men to exert dominance, both over other men as well as over women (Katz, 2006). This behavior parallels the sort of agency encouraged in a neoliberal market society. Consistent with C.B. Mcpherson's (1962) notion of "possessive individualism," subjects under neoliberalism are encouraged to "exercise their domination over things" in the form of ownership or possession. Because a neoliberal market society is structured around relations of ultra-competition, this also suggests that individuals must constantly protect-through virtually any means necessarytheir possessions from others. In this context, "possessions" might refer not only to material goods but also to one's family, ego, and sense of self-worth. McPherson's notion of possessive individualism is consistent with what Messerschmidt and Connell (2005) call hegemonic masculinity, and it remains the dominant form of masculinity in the United States. Hegemonic masculinity tells men that they are of most value when they stand up for themselves and those they care for against either physical or verbal attacks. Far from simply self-defense or coming to the aid of others, however, this sort of response is often motivated by a sense of entitlement. For example, in his interviews with more than 400 young men for his book Guy land, Kimmel (2009 ) described a strong sense of entitlement among his respondents. Because they were entitled to feel like real men, fighting back against anyone who challenges them was deemed to be normal and appropriate. This idea also receives support from a Mother Jones study which found that of the 62 mass shootings that occurred in the U.S since 1982, 61 have been perpetrated by (mostly White) men. According to Tim Wise (2012), the fact that the overwhelming majority of these mass shootings have been carried out by White men might have something to do with what he calls the "pathology of privilege" (2012). Namely, many of these men have, in one way or another -through having experienced being bullied, marginalized, made to feel as if they did not "belong," etc.-decided to "strike back" against a society that they, as men, believe has not only emasculated them but deprived them of the privileges they feel are rightfully theirs (particularly as White men). Similarly, Pinker's (1997) anthropological work expresses the connections between mass violence and masculinity. He and Kellner (2008) referred to the perpetrators as "men amok." These men feel as though they have lost their dignity and masculinity, and the only way to respond-and therefore restore their masculine pride-is to act out in a violent and spectacular fashion. Examinations of the actions of mass shooters provide support for Pinker's work. Kellner (2008) discusses the dossier that Virginia Tech shoot Seung-Hui Cho sent to media outlets in advance of the shooting, noting that guns were a central tool in his hypermasculine posturing. Documents show that Cho had felt emasculated and had thus become infatuated with guns right before the shooting, having purchased one from a local store and another on the internet. Cho bought ammunition on the Internet, practiced at a shooting range, and went to the gym to "immerse himself in ultramasculinist gun culture" (Kellner, 2008, p. 49). Although Cho was Asian and therefore removed from the sense of entitlement associated with "White privilege," it is obvious his actions were, to a large extent, inspired by a perceived attack on his manhood. Similarly, Columbine shooter Eric Harris and Dylan Klebold were, according to some reports, bullied by hyper-masculine jocks and therefore sought to recuperate their manly images through ultraviolence-amassing an arsenal of weapons, and attacking those who had slighted them (Kellner, 2008). New York Times columnist Bob Herbert (2007), in explaining the actions of several mass shooters, wrote: The killers have been shown to be young men riddled with shame and humiliation, often bitterly misogynistic and homophobic, who have decided that the way to assert their faltering sense of manhood and get the respect they have been denied is to go out and shoot somebody. It is clear that in the U.S., the ideal of "real" manhood is very much tied to violence and defending oneself, one's family, and one's domain. This is entirely consistent with the neoliberal emphasis on extreme competition and self-reliance. In another example of how neoliberalism promotes violence by supporting hegemonic masculinity, conservative pundits argued that the students and faculty at Virginia Tech were "wussified" because they succumbed to the fire power of Seung-Hui Cho and allegedly did not "fight back" (cited in Kellner, 2008, p. 44). As Shirch (2012, online) explains, The responsibility for pulling the trigger was one man. But it is a collective mistake to keep reliving this national nightmare and not ask questions about the quality of our policy-making, about the care we put into constructing the foundations of our society. The U.S. media stumbles over its analysis of mental illness, the rage of young men brought up to prove their masculinity through violence and threats. Men all over the world are too often rewarded and even urged by the media to demonstrate their masculinity by brandishing weapons. If it is masculine to act violently, gun in hand, then the government can almost be seen as emasculating, as it takes the place of the individual man to "take care of his own business." As noted earlier, gun manufacturers have, in recent years, sought to exploit the fears of menin particular, White men (Wise, 2012). A recent advertisement for the .223-calibre semi-automatic Bushmaster rifle that Adam Lanza used, which is the civilian version of the weapons U.S. soldiers use in Afghanistan and Iraq, played up the link between guns and masculinity in its tag line, "Consider your man-card reissued" (Gray, 2012). Bushmaster Firearms issued a press release in 2010 in which the company described how one becomes a "card-carrying man." It stated: ...visitors of bushmaster.com will have to prove they're a man by answering a series of manhood questions. Upon successful completion, they will be issued a temporary Man Card to proudly display to friends and family. The Man Card is valid for one year. Visitors can also call into question or even revoke the Man Card of friends they feel have betrayed their manhood. The man in question will then have to defend himself, and their Man Card, by answering a series of questions geared towards proving indeed, they are worthy of retaining their card (Gray, 2012).

#### We have to look at cultural and social forces that encourage violence first. Alt explanations like “some people are evil” and mental illness don’t account for this.

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NEOLIBERALISM AND THE PERSONALIZATION OF GUN VIOLENCE Because neoliberals give ontological privilege to the individual over any notion of "society" or community, it follows that social problems are typically understood as personal matters. This neoliberal tendency is consistent with how many pro-gun/anti-gun control supporters understand gun violence. Rather than trying to address how persons who carry out gun violence do so within a specific cultural, economic, and social context that might shape their motivations to engage in such acts, there is a tendency to look for the "cause" of such behavior inside the individual actor. To be sure, members of the NRA and other pro-gun advocates do often point to violent movies and video games as factors that might encourage violent behavior. However, these arguments typically fail to take into account the wider social, economic, and cultural forces that might make people receptive to violent forms of entertainment in the first place. Further, these arguments fail to address why other developed societies, where violent video games and movies are also popular, have not experienced gun violence with nearly the same frequency or deadly results as in the U.S. More importantly, blaming gun violence on violent movies and video games implies that everything else in society is okay. Yet outside of blaming violent forms of entertainment and pointing to a lack of mental health services (which is discussed in more detail later), not much is offered in terms of addressing the social dimension of gun violence. For example, how gun violence in the U.S. might be related to the sort of apathy, social isolation, and devaluation of human life that is encouraged by the "survival of the fittest" ethos that characterizes the prevailing neoliberal market economy in this country is typically ignored. A much more common approach among many members of the NRA and other pro-gun supporters is to explain unprovoked gun violence and gun-related tragedies as the result of irresponsible gun ownership (e.g., individuals not adhering to gun safety rules, parents not ensuring that their firearms are out of the reach of their children or mentally unstable family members, etc.).8 Even more typically, particularly as it relates to mass shootings, gun violence is understood as the doing of individuals who are evil or mentally unstable. Thus, even when environmental issues are considered when trying to explain violence, these factors are typically seen by most gun supporters (and much of the mass media) as ancillary to some deep aberration or pathology within the individual. GUN VIOLENCE AND "EVIL" Explanations predicated on the idea of innately "evil" people wanting to do harm to others are quite common in the aftermath of mass shootings and other forms of gun violence. Indeed, in the aftermath of the tragedies at Newtown, Aurora, and Milwaukee, countless media commentators, local politicians, and even the president of the United States employed the word "evil" to explain these events. At the Sandy Hook vigil on December 16, 2012, for example, President Obama referred to the tragedy as an act of "unconscionable evil" (President Obama's Speech at Prayer Vigil, 2012). A few days later, at a press conference, the NRA addressed the dangers of gun control and the need to do away with the current tendency to keep schools as "gun free zones" by declaring the following: We care about the President, so we protect him with armed Secret Service agents. Members of Congress work in offices surrounded by armed Capitol Police officers. Yet when it comes to the most beloved, innocent and vulnerable members of the American familyour children-we as a society leave them utterly defenseless, and the monsters and predators of this world know it and exploit it. That must change now! The truth is that our society is populated by an unknown number of genuine monsters-people so deranged, so evil, so possessed by voices and driven by demons that no sane person can possibly ever comprehend them. They walk among us every day. And does anybody really believe that the next Adam Lanza isn't planning his attack on a school he's already identified at this very moment? (NRA Press Release, emphasis added, 2012). The statement above presupposes a Manichean view of the world in which mass shootings are the work of "genuine monsters." Because pure evil exists, what are needed are sane, moral agents who are willing and equipped with the proper tools (i.e., firearms) to battle evil. Guns, therefore, are the antidote to evil! Based on this sort of dualistic logic, those who support more gun controls are, whether intended or not, enablers of evil. By attributing the issue of mass shootings to individuals "possessed by voices" and "driven by demons," this sort of argument decontextualizes gun violence and (here again) ignores or downplays the social, cultural, political, and economic forces underlying this problem. As discussed Jesse Roche (2013), the notion of "evil" as a "cause" of unnecessary gun violence is a "dead-end" that permits no further questions. Attributing gun violence to individual "evil doers" is thus a position that discourages the possibility of engaging in a fruitful dialogue and developing meaningful solutions to this problem. GUN VIOLENCE AND MENTAL HEALTH Another related tendency among politicians and the mass media is to explain mass shootings and other forms of unprovoked gun violence as tragic incidents carried out by individuals who are sick, insane, or abnormal. These types of events, therefore, are assumed to result when such individuals are not given the proper mental health treatment. This typical narrative is at least partly what drives a majority of Americans to believe, as a recent Gallup poll shows, that the U.S. is more likely to minimize tragedies like that witnessed in Newtown by addressing the country's mental health crisis rather than focusing on banning the sale of assault weapons (Warner 2012). While a scarcity of mental health services is certainly a pertinent issue and has, for the past several years, been part of the neoliberal agenda to defund government programs, attributing gun violence, particularly mass shootings, to sick individuals (e.g., psychopaths) also falls into the trap of personalizing a much wider social problem that transcends mental health. Like the idea of "evil," the notion that random gun violence is the product of an untreated "sick mind" is also a dead-end explanation that discourages meaningful questions and dialogue (Roche, 2013). And while there should be little doubt that some individuals, and the public at large, might indeed benefit from treatment, associating the problem of gun violence exclusively to psychopaths and other pathological individuals exonerates the type of society that produces such individuals in the first place. Indeed, explaining gun violence solely in terms of "abnormal individuals" dismisses how all people develop their desires, frustrations, habits, flaws, and tendencies in relation to the wider society in which they live. Here again, this position ignores society and conforms to Margaret Thatcher's now famous quote that has become emblematic of the neoliberal worldview-i.e., that society is a meaningless abstraction and that "only individuals matter." Also consistent with the demands of a neoliberal market society, explaining such violence by invoking terms such as "psychopaths" (or "evil") ensures the type of sensationalism that generates high ratings-a primary objective among profit-driven news corporations that are in constant competition for viewers. Despite all this, the sort of individualistic worldview encouraged by neoliberal ideology has become so deeply entrenched in the United States that addressing the link between the personal and the social (what C. Wright Mills referred to as exercising a "sociological imagination') has become almost unimaginable. To illustrate this tendency as it pertains to gun violence, Jesse Roche (2013, online) asks his readers to do the following: Ask yourself if you can imagine, at this point in time, any politician suggesting that we ask the question whether society itself might be responsible for producing [young people] who go to school with a premeditated intent to kill? They would be laughed off the air and blamed for shirking their duty, possibly even for cowardice. In today's media environment, dominated as it is by the logic of psychopaths and evil monsters, the suggestion that society might have culpability in recent mass shootings is unthinkable. Those in positions of authority seem to believe that it's easier for everyone, from victims to mere spectators, to grasp the logic inherent in evil and [criminal pathology]. It's also far easier to pretend to address the problem by fortifying society with prayer and/or guns. It is indeed easier (not to mention profitable and politically expedient) to emphasize "ready-made answers" to complex problems, particularly if those answers do not require any radical shifts in the ways most people live and understand the world-shifts that might compromise the interests of politicians and corporations. By pointing to gun violence as the work of "evil doers" or "psychopaths," the message is ultimately conveyed that these dangerous individuals are anomalies in a society that is otherwise decent and fundamentally sound. In short, pointing to a "few bad apples" as the culprits of gun violence diverts attention away from the need for a deeper critique that might call for substantial societal changes.

#### Neoliberalism is the root cause of gun violence. Discussion of the root cause of gun violence is a prerequisite.

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TOWARDS A DEEPER UNDERSTANDING OF GUN VIOLENCE IN THE U.S. While recent mass shootings in the U.S., particularly in Newtown, have captured the attention of the nation and the world, it is important to remember that gun violence is not anomalous but rather a normative feature of American life. According to data published by the Centers for Disease Control, guns were used in 11,422 homicides in 2011-that is over 30 people in the U.S. being murdered with a gun every day (CDC 2012). And while it is undeniable that gun violence is related to weak gun controls and a lack of mental health services, what is too often missing from these discussions is a critical understanding of the institutional and ideological forces that create a context in which so many people are willing and ready to kill or harm one another. As this paper has made clear, since the early 1980s, neoliberalism has been a central factor in creating such a context. By encouraging attitudes and behavioral tendencies related to extreme individualism, hypermasculinity, competition, and self-gain, neoliberalism has promoted what Charles Derber (2004, p. 27) has described as a "sociopathic society"- one that is "marked by a collapse of moral order that results from the breakdown of community and the failure of institutions responsible for inspiring moral vision and enforcing robust moral codes." It is precisely this breakdown of community that has also led to declining levels of empathy (particularly among young people) in the United States for the past 30 years (Zaki, 2012). Indeed, by emphasizing de-regulation and the pursuit of profit/personal gain as the linchpin of freedom, and by normalizing and rewarding self-centered behavior, neoliberalism breeds a society of alienated persons who (perhaps outside the few individuals closest to them) see others as little more than objects. Under these conditions, people become largely "incapable of loving" (Choi and Semm, 2011). As famously described by Erich Fromm (2005, pp. 15-31), when human beings are reduced to "things," they lose the basic connection and sense of caring that sustains human communities. Furthermore, because materialism is exalted under neoliberalism, people living in a neoliberal market society are encouraged-through a host of institutions including the advertising industry and the entertainment industry-to embrace a hyper-consumer culture that, to a large extent, associates personal success, happiness, and well-being with the purchasing of material possessions. Thus, for example, driving a certain type of car, living in a certain type of house, or wearing a certain brand of clothes are commonly seen as indicators of a person's worth and status. As discussed by Pérez and Esposito (2010, p. 89) "these things are supposed to tell others, as well as ourselves, whether or not we are successful, respectable, and desirable." Attaining material things, moreover, involves a constant struggle whereby persons must "outdo' one another to get the things that they want or need. Others, therefore, are either an impediment to one's self-serving ends or a means towards fulfilling those ends. The point, however, is that largely because of this cut-throat materialization of social life, anything outside the material realm-including human life itselfis devalued. As discussed by Henry Giroux (2004), outside the most powerful/privileged individuals, human life under neoliberalism becomes largely disposable. It is within this sort of social context that various forms of gun related homicides-including mass shootings-and other forms of violence become predictable outcomes. Another issue to consider that is too often ignored in mainstream discussions of gun violence is how this violence might have a lot to do with a sense of powerlessness that many people feel in a neoliberal market society. Because social ties are weakened and citizens are typically reduced to "consumers," too many people feel irrelevant and incapable of making any significant difference in the world. Therefore, incidents of gun violence, particularly those related to mass shootings, might be a way of reclaiming some modicum of control (what sociologists refer to as a "sense of mastery") over events and outcomes. Jesse Roche (2012, online) astutely explains this as follows: In a world in which most of us live relatively isolated lives from our neighbors and families; in which we have little say or power to change the way our massive society operates; in which we feel fortunate just to have a job to pay the bills; in which most of us passively watch world events unfold like a football game, in such a world, taking a gun and shooting into society is a clear expression of trying to break through to some reality beyond what, for many, is a stifling vacuum chamber of everyday life. In short, incidents of gun violence-particularly mass shootings-might often be violent outbursts against a society that makes most people feel insignificant and impotent! It is also important to note, however, that the majority of gun related homicides in the U.S. do not involve random shooters killing strangers but rather individuals killing others they know. According to the U.S. Department of Justice, from 1980-2008, over 78 percent of homicides involved non-strangers-i.e., relatives, friends, or acquaintances-and over half of these homicides were gun related (Cooper and Smith, 2011). Of all females in particular killed with firearms, almost two-thirds were killed by their intimate partners (When Men Murder Women, 2004). Considering these figures, it seems intimacy is not an antidote to violence, and, under certain conditions promoted by neoliberalism, can actually make violence (including gun violence) more likely. As noted earlier, the hyper-masculinity endorsed by neoliberalism encourages men to see themselves as entitled to power and control, which is the basis of abusive relationships (Katz, 2006). Moreover, since the neoliberal restructuring of the U.S. economy in the early 1980s, there has been, among other outcomes, an erosion of decent paying jobs (mostly semi- skilled manufacturing jobs that have been transferred overseas to cheaper labor markets), stagnant wages, loss of work benefits, and the cutting of public expenditure for social services, particularly for the needy (e.g., Klein 2012). These conditions are at least partly responsible for increasing levels of stress (Jayson 2012), financial insecurity (Rosen 2011), and worker dissatisfaction (Saad 2012), all of which has a significant effect on intimate/family relations, and has been closely correlated with domestic and other forms of interpersonal violence (e.g., Renzetti, 2009). Without taking all these factors into account, the issue of gun violence in the U.S. can never be thoroughly understood and hence minimizing this problem will be unlikely.

#### Neolib CP.

Esposito and Finley 14 Luigi Esposito (Associate Professor of Sociology and Criminology at Barry University) and Laura Finley (Assistant professor of Sociology and Criminology at Barry University) “Beyond Gun Control: Examining Neoliberalism, Pro-gun Politics and Gun Violence in the United States” Theory in Action, Vol. 7, No. 2, April (© 2014) <http://transformativestudies.org/wp-content/uploads/10.3798tia.1937-0237.14011.pdf> JW

CONCLUSION: BEYOND GUN CONTROL Although a full examination of what must be done to challenge the sort of neoliberal logic that is so deeply engrained in U.S culture is beyond the scope of this article, we offer here a few brief suggestions. Recent mass shootings have galvanized the public's attention to gun violence, and this might constitute a strategic moment for taking action to minimize this violence. These efforts, however, cannot remain focused solely on tweaking gun laws (although this is obviously important). What is also needed is a popular movement that will not only challenge the pro-gun lobby and push for more gun control, but also align itself with other anti-neoliberal movements that are calling for systemic social and economic changes, as well as a shift in the values, norms, and attitudes that shape our relations and the way most Americans live their lives. First, the sort of extreme individualism which many regard as part of some inevitable "human nature"- that is encouraged by neoliberalism and is at the heart of America's gun culture must be exposed as thoroughly contingent and antithetical to a free and safe society. The point is not to abandon individualism in favor of abstract collectivism but rather to promote awareness about the fact that without stable, peaceful societies that nourish strong social bonds among people and foster interpersonal trust and recognition, individuals typically live under a stifling state of fear and anxiety. Indeed, in the sort of social Darwinian world encouraged by neoliberalism, dialogue and interpersonal understanding is replaced by fear and cynicism. Under these sorts of conditions, the availability of firearms will invariably produce tragic results. Second, because the sort of "rugged" or 'possessive" individualism emphasized in a neoliberal society is also typically gendered, challenging current gender norms that tell boys and men that violence is synonymous with masculinity is another important step. This would, as Kellner (2008) explains, begin in homes and schools and would include a "critique of media, artifacts like toys, or ideologies and books that glorify war and the warrior" (p. 152). Many authors and media critics, like Jackson Katz, have provided important critiques and developed tools to assist with this re-education. In her book The Bully Society, Jessie Klein (2012) also addresses various initiatives-in schools, sports organizations, and other institutions-that are designed to rethink masculinity and encourage a process of re-socialization into more inclusive and egalitarian definitions of manhood that do not emphasize dominance and violence. Efforts must be made to expand such initiatives so as to normalize a radically different, anti-violent form of masculinity. Third, those who seek to minimize gun violence must also avoid the neoliberal tendency to personalize this issue. Any meaningful discussion about gun violence must reject the neoliberal tendency to pathologize perpetrators as "sick" or "evil." This tendency, of course, not only overlooks the web of social relations and meanings that propel individuals' action but also invites a punitive approach to social problems that is discriminatory and anathema to democracy. Giroux (2013, online) explains this as follows: Neoliberalism leads to social policies structured around the criminalization of social problems and everyday life. This governing-through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on the poor and minorities, promotes highly repressive policies, and places undue emphasis on personal security, rather than considering the larger complex of social and structural forces that fuels violence in the first place. To think of this issue more holistically, more efforts must be made-in schools, churches, families, the media, etc.- to promote a sense of community and interconnectedness. In effect, what might be needed is a shift in social logic that deviates from the neoliberal assumption that "only individuals matter." Fourth, conversations about gun violence must begin to examine how the NRA and the gun industry benefits from neoliberalism. The public must be informed about the power of the gun industry and the NRA. We must continue to pull back the curtains and reveal that the NRA, while claiming to be a "civil rights organization," is instead playing on racist fears to promote its agenda (Diaz, 2013). Books and reports that uncover the lucrative ties between gun manufacturers and the NRA (i.e, Diaz, 2013) and how the NRA's lobbying efforts have helped craft pro-gun legislation that lines the industries pockets (Dreier, 2013) are imperative. Repealing legislation like the Tiahrt Amendments, which prohibits the Bureau of Alcohol, Tobacco and Firearms (ATF) from producing data about which guns are linked to particular crime scenes is another important step in allowing the public to make informed choices about guns (Diaz, 2013). Finally, bringing these sorts of reforms to fruition requires a strong popular movement. In a recent article, Kristin A. Goss (2013) suggests that the U.S. lacks a well-organized popular movement to counteract the clout and political savvy of pro-gun forces, such as the NRA. This must obviously change! While various post-Newtown groups, such as Moms Demand Action, have been created to exert pressure on Congress to pass stronger gun controls, those who seek to challenge the pro-gun lobby must work on improving their strategy and narrative, so as to inspire more people not simply to "agree" with more gun controls but to take an activist stance against the various institutional and ideological forces that promote gun violence. It is for this reason that an effective antigun violence movement needs to build alliances with other movements that seek alternatives to neoliberalism by revitalizing-and building institutions on the basis ofvalues that emphasize, among other things, human rights, solidarity, reciprocity, and social and economic justice. Ultimately, without challenging the social structures, societal conditions, and underlying value systems that promotes gun violence, attempts at minimizing this problem will not likely be very effective.

### Ensley 15

#### 2nd amendment only applies to militias which the plan allows for—also the aff amends the constitution.

Ensley 15 Gerald (senior writer) “Stop the insanity: Ban guns” Tallahassee Democrat January 7th 2015 http://www.tallahassee.com/story/opinion/columnists/ensley/2014/11/22/stop-insanity-ban-guns/19426029/ JW

I'm talking about flat-out banning the possession of handguns and assault rifles by individual citizens. I'm talking about repealing or amending the Second Amendment to the U.S. Constitution. The Second Amendment has been misinterpreted. It says guns are permitted to a "well-regulated militia." That means trained citizen soldiers called into action for emergencies — because in colonial times every able-bodied man was required to be a member of the militia. It does not mean everyone with $50 and a driver's license is entitled to own a gun. That's what former Supreme Court Chief Justice Warren Burger said in 1990, when he called claims of Second Amendment protection of individual gun ownership, "a fraud on the American public." Earlier this year, retired Supreme Court Justice John Paul Stevens called the Second Amendment one of the six great flaws with the U.S. Constitution. He called for it to be amended to say gun possession was only for state militias, not individuals. Every legal opinion for 200 years denied individual gun ownership was a right — until the steady lobbying of the National Rifle Association created a climate that allowed a conservative U.S. Supreme Court in 2008 to strike down a handgun ban in the District of Columbia, and fuel the sense of entitlement of gun owners. Gun supporters say, "It's not guns that cause gun violence, it's mentally ill people with guns; fix the mentally ill." Even if those same people did not oppose government spending on the mentally ill — which they have for decades — there is no predicting when mental illness will express itself in violence. All of those who knew FSU library shooter Myron May called him the "last person" from whom they would have expected violence. They all knew he was mentally troubled. But they said he didn't even like guns. You can't prevent mental illness. You can prevent humans from having easy access to tools they can use to harm other people. Talk about mental illness: The United States is insane about guns. We lead the world in gun ownership, with almost one per capita. That's twice the percentage of the next closest country. The United States doesn't lead the world in gun violence. Just the civilized world. According to a United Nations survey, the United States annually averages 3 firearm homicides per 100,000 population. Fourteen countries topped that figure — but they were almost exclusively Third World countries. Among the 24 most affluent nations of the world, the U.S. is the far and away leader in gun homicides. None of the other 23 affluent nations has a rate above 1 firearm death per 100,000 population. Gun freaks insist we need to arm more people. They glibly say shooting sprees happen in "gun free zones," like schools and universities, where gunmen could be stopped if everyone had a gun. That theory is absurd. Police and military train for years to use a gun competently in stressful situations – and even they don't always respond correctly. Think Ferguson, Mo. Think Charlotte, N.C. Think New York City in 2012 where two cops shot nine bystanders as they wildly tried to shoot a man who had gunned down a co-worker. The idea of 500 students in a college library or a dozen teachers in an elementary school pulling out guns to shoot a gunman is ludicrous. They would wind up shooting each other. Gun freaks say if you take away their guns only outlaws will have guns. That's a chance worth taking. Because if we ban guns, eventually the tide will turn. It might take 10 years or 20 years. Hell, it might take 50 years. But if we make it illegal to own a handgun, eventually there will be no handguns. The same gun freaks believe in banning drugs. They believe in banning abortions. They recognize society bans certain things for the good of society. We should ban guns for the good of society. People have romanticized guns. The Founding Fathers. The Old West. Self-defense — and never mind the average American has only a one in 250 chance of being the victim of a violent crime. It's all a delusion. Guns kill. They kill people from a distance. They kill strangers and children who have no relationship with the gunman. Let the hunters keep their rifles and shotguns; those weapons are ineffective tools in a mass shooting. But we need to ban handguns and assault rifles for all but police and military. This is an uphill battle. Despite daily front-page stories of shooting sprees and killings, Americans don't want to give up their guns. Over the past 10 years, the percentage of Americans who support stricter guns laws has dropped from 60 percent to 47 percent. In a recent survey, 73 percent of Americans oppose banning handguns. But those of us who think widespread handgun ownership is insane need to keep speaking up. We need to teach our children handguns are wrong. We need to support any measure that limits their availability — and work to repeal the Second Amendment. We need to keep marching forward until someday this nation becomes civilized enough to ban guns. One of the frequent refrains of gun freaks about President Obama is "He's coming for our guns." Obama never said such a thing. But I will: We're coming for your guns. And someday, we'll take them.

### Sporks 12

#### Handguns cause most deaths-assault rifle ban doesn’t solve.

Sporks 12 “How to Ban Guns: A step by step, long term process” Daily Kos December 21st 2012 <http://www.dailykos.com/story/2012/12/21/1172661/-How-to-Ban-Guns-A-step-by-step-long-term-process> JW

It's nice that we're finally talking about gun control. It's very sad that it took such a terrible tragedy to talk about it, but I'm glad the conversation is happening. I hear a lot about assault weapon and large magazine bans, and whilst I'm supportive of that, it won't solve the problem. The vast majority of firearm deaths occur with handguns. Only about 5% of people killed by guns are killed by guns which would be banned in any foreseeable AWB.

#### Delay CP.

Sporks 12 “How to Ban Guns: A step by step, long term process” Daily Kos December 21st 2012 <http://www.dailykos.com/story/2012/12/21/1172661/-How-to-Ban-Guns-A-step-by-step-long-term-process> JW

The only way we can truly be safe and prevent further gun violence is to ban civilian ownership of all guns. That means everything. No pistols, no revolvers, no semiautomatic or automatic rifles. No bolt action. No breaking actions or falling blocks. Nothing. This is the only thing that we can possibly do to keep our children safe from both mass murder and common street violence. Unfortunately, right now we can't. The political will is there, but the institutions are not. Honestly, this is a good thing. If we passed a law tomorrow banning all firearms, we would have massive noncompliance. What we need to do is establish the regulatory and informational institutions first. This is how we do it: The very first thing we need is national registry. We need to know where the guns are, and who has them. Canada has a national firearms registry. We need to copy their model. We need a law demanding all firearms be registered to a national database. We need to know who has them and where they are. We need to make this as easy as possible for gun owners. The federal government provides the money and technical expertise, and the State police carry it out. Like a funded mandate. Most firearms already have a serial number on them, so it would really be a matter of taking the information already on the ATF form 4473 and putting it in a national database. I think about 6 months should be enough time. Along with this, make private sales illegal. When a firearm is transferred, make it law that the registration must be updated. Again, make it super easy to do. Perhaps over, the internet. Dealers can log in by their FFLs and update the registration. Additionally, new guns are to be registered by the manufacturer. The object here is to create a clear paper trail from factory to distributor to dealer to owner. We want to encourage as much voluntary compliance as possible. Now we get down to it. The registration period has passed. Now we have criminals without registered guns running around. Probably kooky types that "lost" them on a boat or something. So remember those ATF form 4473s? Those record every firearm sale, going back twenty years. And those have to be surrendered to the ATF on demand. So, we get those logbooks, and cross reference the names and addresses with the new national registry. Since most NRA types own two or (many) more guns, we can get an idea of who properly registered their guns and who didn't. For example, if we have a guy who purchased 6 guns over the course of 10 years, but only registered two of them, that raises a red flag. Now, maybe he sold them or they got lost or something. But it gives us a good target for investigation. A nice visit by the ATF or state police to find out if he really does still have those guns would be certainly warranted. It's certainly not perfect. People may have gotten guns from parents or family, and not registered them. Perfect is the enemy of pretty darn good, as they say. This exercise isn't so much to track down every gun ever sold; the main idea would be to profile and investigate people that may not have registered their guns. As an example, I'm not so concerned with the guy who bought that bolt action Mauser a decade ago and doesn't have anything registered to his name. It's a pretty good possibility that he sold it, gave it away, or got rid of it somehow. And even if he didn't, that guy is not who I'm concerned with. I'm concerned that other guy who bought a half dozen assault weapons, registered two hunting rifles, and belongs to the NRA/GOA. He's the guy who warrants a raid. So registration is the first step. Now that the vast majority are registered, we can do what we will. One good first step would be to close the registry to new registrations. This would, in effect, prevent new guns from being made or imported. This would put the murder machine corporations out of business for good, and cut the money supply to the NRA/GOA. As money dries up, the political capital needed for new controls will be greatly reduced. There are a few other things I would suggest. I would suggest an immediate, national ban on concealed carry. A ban on internet sales of guns and ammunition is a no brainer. Microstamping would also be a very good thing. Even if the only thing it does is drive up costs, it could still lead to crimes being solved. I'm willing to try every advantage we can get. A national Firearms Owner Identification Card might be good, but I'm not sure if it's necessary if we have a national database. We should also insist on comprehensive insurance and mandatory gun safes, subject to random, spot checks by local and federal law enforcement. We must make guns expensive and unpopular, just like cigarettes. A nationwide, antigun campaign paid for by a per gun yearly tax paid by owners, dealers, and manufacturers would work well in this regard. We should also segway into an anti-hunting campaign, like those in the UK. By making hunting expensive and unpopular, we can make the transition to a gun free society much less of a headache for us. I know this seems harsh, but this is the only way we can be truly safe. I don't want my kids being shot at by a deranged NRA member. I'm sure you don't either. So lets stop looking for short term solutions and start looking long term. Registration is the first step. Tell Pres. Obama and democrats in congress to demand mandatory, comprehensive gun registration. It's the only way we can ban guns with any effectiveness.

### Dees 15

#### Gun control links to ptx-using the phrase “gun violence prevention” solves.

Dees 15 Donna “The Dog-Whistle Politics of ‘Gun Control’” The Daily Beast October 26th 2015 <http://www.thedailybeast.com/articles/2015/10/26/the-dog-whistle-politics-of-gun-control.html> JW

Olivia Pope and Associates (OPA), the smartest, bravest, best-dressed crisis communications company in the nation’s capital, recently took on the sensitive topic of dog-whistle politics. Dog-whistle politics refers to inflammatory language so coded that when the media repeats it, the insult or the perceived threat cannot be heard by the general public. Hence the term dog-whistle. While OPA is a fictitious company in ABC’s hit television show, Scandal, the concept of dog-whistle politics is real. Spoiler alert. In this episode when Olivia, (or Liv as her friends call her), finds herself in a salacious, high-profile sex scandal of her own, she clams up. A journalist reporting on Liv’s silence describes her as usually “so well spoken.” Sounds like a compliment, right? Not really. As one of Liv’s gladiators explains, that is a dog-whistle to professional women of color who hear it as “well-spoken … for a black woman.” Does the media blow dog-whistles intentionally? I hope not. Yet, it often uses polarizing language unaware of the impact it has on those who hear or read it differently than the general public. The phrase “gun control” is a dog-whistle. For the general public who repeat it because they hear it in the media, it is just a catch-phrase meant to encompass laws and measures to keep guns out of the hands of children, the criminally insane, convicted domestic abusers, and felons. For the paranoid Nancy Lanzas of America, it triggers an irrational fear of government control. When they hear that whistle blown, they arm up for imaginary Armageddons. Gavin de Becker, a world-renowned security expert, ripped that dog-whistle right out of my mouth 15 years ago when he heard me blow it on-air while promoting the Million Mom March. Apparently a focus group conducted long ago shed light on how this seemingly innocent phrase impacts a particularly fragile segment of our society—gun hoarders. Many in the media have been warned about this. For years. Yet, they continue to use it. Why? I am reluctant to criticize the media because most of my professional career, my job has been to promote it and the journalists who work in it. I protect them too. In real life-and-death situations. (And not the “my wife will kill me if she finds out” kind). Real ones. When Iraqi soldiers kidnapped Bob Simon and his CBS News crew during Desert Storm, I was their spokeswoman during those 40 harrowing days, publicly urging the State Department to use its diplomatic ties to find them. And, they did. So, I respect journalists, many of whom face dangerous situations everyday. However, covering the Chamber of Commerce should not be one of them, as it was for two of the profession’s brightest and up-and-coming last August in Roanoke, Virginia. Alison Parker and Adam Ward. Shot dead on live TV. That should be enough of a wake-up call to the profession that it inadvertently contributes to the problem. While the dog-whistle of “gun control” makes for lively talk radio over at the EIB network, it is also deadly for America’s children who get caught in the crosshairs of congressional inaction. The death of Aavielle Nevaeh Wakefield—the cherubic, 5-month-old Cleveland baby shot the same day as Oregon’s mass shooting at Umpqua Community College—had grown men weeping on live TV. Cleveland’s police chief cried. The Daily Beast’s Michael Daly cried. I cried too. At so many deaths and at the news tickers that crawled across America’s TVs with “cries for gun control.” Media, wake up. Those dog-whistle words prompt speed-dialers to call their lawmakers from their basements where they are holed up with their fears, fueled by gun lobby propaganda that “Obama is coming for” their guns. While the politics of guns in America is complicated, the wording for the solutions is not. Academics and seasoned public health advocates replaced “gun control” long ago with “gun violence prevention,” using “GVP” for short-hand. Confused news writers should just follow their lead. Clearly, the media understands the need for nifty acronyms when it comes to their brands. If not, on-air anchors like Brian Williams would be tripping over their tongues identifying themselves as the Microsoft National Broadcasting Company (MSNBC). Can GVP and America’s ingrained attitudes surrounding gun ownership be discussed intelligently without blowing the dog-whistle? You bet, as demonstrated recently on the ABC comedy, Black-ish. Spoiler alert. The episode opens with an HMS (helicopter mom on steroids) dropping off her son for a sleepover at the fictitious home of Dre and Bow. The HMS is anxious about her son’s safety because, she explains, “in-vitro was not cheap!” She then rattles off a list of her concerns. Will her baby (now a teenager) be exposed to such hazards as peanuts? Gluten? Black mold? That HBO show, Girls? When she brings up guns in the home, that sets up rest of the show to discuss gun safety, an important part of GVP. If only the brilliant Black-ish writers would take a stab at the AP Stylebook—the journalistic bible that strives to bring consistent accuracy to news media writing. There must be a way to make GVP an acronym as common as, let’s say, AP? The GVP movement has never been stronger, encompassing many organizations from the PTA to the URJ. It is time for the media to put down the dog-whistle and embrace the serious, thoughtful, sometimes painful discussions now taking place among public health advocates across America about the best ways to reduce death and injury by guns. Nothing being proposed conflicts with the Second Amendment. Until that happens, journalists should plan on reporting the inevitable stories about baby shootings and toddlers who shoot other toddlers. Yes, that actually happens in America while Congress takes no action. And that is the real scandal in the nation’s capital.

### Cooke 15

#### Plan drains polcap.

Cooke 15 Charles (writer at National Review and a graduate of the University of Oxford, at which he studied modern history and politics) “Obama’s Politically Shortsighted Plan to Restrict Gun Rights by Executive Order” Natioanl Review October 9th 2015 <http://www.nationalreview.com/article/425359/obama-gun-control-executive-order-political-mistake>

For a brief and shining moment, it looked this week as if Barack Obama had finally acknowledged that there were limits upon his power. Responding to the news that Hillary Clinton was hoping to achieve federal gun control by fiat, the White House did everything but scoff. Clinton’s idea, a staffer told the Washington Post, had been examined in detail a while back, and then rejected out of hand. Her proposal, he added, was likely to “present new and unforeseen enforcement problems,” to “create untold logistical . . . difficulties,” and, ultimately, to be “subject to legal challenge.” The administration, he concluded, “still has not found a way to make it work.” Fewer than 48 hours later, the White House conceded that it was aiming to move ahead with the plan. Politically speaking, this turnabout would be a considerable mistake. Although Americans are happy to tell pollsters that they favor limited gun control, their when-it-comes-to-it enthusiasm remains minimal. “Eye-popping majorities of Democratic, Republican, and independent voters back . . . boilerplate measures,” Noah Rothman recorded yesterday in Commentary. “But when asked if voters prefer stricter gun control measures, only a majority of Democrats agreed. Just one-third of independent voters and less than one-quarter of GOP survey respondents welcomed new gun control measures.” If the polls are to be believed, this reluctance is in part the product of a lack of trust in the federal government; in part the result of a belief that gun laws don’t actually work; and in part the result of harsh demarcation lines that have been draw in the broader culture wars. If the White House wants to overcome the intransigence, it will have to spend some capital.

### Muller 15

#### Util affirms—self-defense irrelevant because of rule of law.

Muller 15 Vincent C. Muller “Gun Control: A European Perspective” Essays in Philosophy Volume 16 Issue 2 Philosophy & Gun Control Article 7 <http://philpapers.org/archive/MLLGCA.pdf> JW

But what about self-defence? I’m afraid that if a functioning state provides general protection, then a general permission of guns for armed self-defence clearly tilts the utility scale to the negative. So generally permitting guns for self-defence is bad for such a society. What matters for this calculation is not how safe I ‘feel’ or how much I ‘trust’ the state to do its job. It is just a matter of objective utility, so while the traditionally lower trust in state authority in the US is part of the explanation for attitudes, it cannot be part of the justification. vi To make this point is not to suggest that more guns cause more murders and to support this claim with a statistical correlation between gun ownership and homicide rates. Correlation is not causation and, as (Lott 2014) points out, that correlation is by no means clear-cut. My point here is a much simpler one: Imagine two worlds, one (a) with tight gun control and one (b) with loose gun control and now estimate which of the two has more happiness and less pain in it. Assuming that both worlds have a functioning state that guarantees the rule of law, it is clear that world (a) has less pain and more happiness overall, so we have a moral obligation to bring it about.

### Ingraham 14

#### Best studies prove—guns increase crime.

Ingraham 14 Christopher (reporter for the Washington Post) “More guns, more crime: New research debunks a central thesis of the gun rights movement” The Washington Post November 14th 2014 <https://www.washingtonpost.com/news/wonk/wp/2014/11/14/more-guns-more-crime-new-research-debunks-a-central-thesis-of-the-gun-rights-movement/> JW

"More guns, less crime" - surely you've heard this mantra before? There's even an entire book devoted to it. As Emily Badger noted awhile back, it has become a staple of our national gun control debate: "The idea that more guns lead to less crime appears on gun policy 'fact sheets,' as evidence debunking gun control 'myths,' in congressional committee reports." The notion stems from a paper published in 1997 by economists John Lott and David Mustard, who looked at county-level crime data from 1977 to 1992 and concluded that "allowing citizens to carry concealed weapons deters violent crimes and it appears to produce no increase in accidental deaths." Of course, the study of gun crime has advanced significantly since then (no thanks to Congress). Some researchers have gone so far as to call Lott and Mustard's original study "completely discredited." One of the major critiques of the study came from the National Research Council, which in 2004 extended the data through the year 2000 and ultimately concluded that "with the current evidence it is not possible to determine that there is a causal link between the passage of right-to-carry laws and crime rates." Or in other words, "More guns, less crime? ¯\\_(ツ)\_/¯" Now, Stanford law professor John Donohue and his colleagues have added another full decade to the analysis, extending it through 2010, and have concluded that the opposite of Lott and Mustard's original conclusion is true: more guns equal more crime. "The totality of the evidence based on educated judgments about the best statistical models suggests that right-to-carry laws are associated with substantially higher rates" of aggravated assault, robbery, rape and murder, Donohue said in an interview with the Stanford Report. The evidence suggests that right-to-carry laws are associated with an 8 percent increase in the incidence of aggravated assault, according to Donohue. He says this number is likely a floor, and that some statistical methods show an increase of 33 percent in aggravated assaults involving a firearm after the passage of right-to-carry laws. These findings build on and strengthen the conclusions of Donohue's earlier research, which only used data through 2006. In addition to having nearly two decades' worth of additional data to work with, Donohue's findings also improve upon Lott and Mustard's research by using a variety of different statistical models, as well as controlling for a number of confounding factors, like the crack epidemic of the early 1990s. These new findings are strong. But there's rarely such a thing as a slam-dunk in social science research. Donohue notes that "different statistical models can yield different estimated effects, and our ability to ascertain the best model is imperfect." Teasing out cause from effect in social science research is often a fraught proposition. But for this very reason it's important for policymakers on both sides of the gun control debate to exercise caution in interpreting the findings of any one study. Gun rights advocates have undoubtedly placed too much stock in Lott and Mustard's original study, which is now going on 20 years old. The best policy is often informed by good research. And as researchers revisit their data and assumptions, it makes sense for policymakers to do the same.

### McMahan 12

#### Gun prohibition key to reducing crime.

McMahan 12 Jeff (professor of philosophy at Rutgers University) “Why Gun ‘Control’ Is Not Enough” New York Times December 19th 2012 <http://opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?_r=0> JW

There’s some sense to this argument, for even criminals don’t like being shot. But the logic is faulty, and a close look at it leads to the conclusion that the United States should ban private gun ownership entirely, or almost entirely. One would think that if widespread gun ownership had the robust deterrent effects that gun advocates claim it has, our country would be freer of crime than other developed societies. But it’s not. When most citizens are armed, as they were in the Wild West, crime doesn’t cease. Instead, criminals work to be better armed, more efficient in their use of guns (“quicker on the draw”), and readier to use them. When this happens, those who get guns may be safer than they would be without them, but those without them become progressively more vulnerable. Gun advocates have a solution to this: the unarmed must arm themselves. But when more citizens get guns, further problems arise: people who would once have got in a fistfight instead shoot the person who provoked them; people are shot by mistake or by accident. And with guns so plentiful, any lunatic or criminally disposed person who has a sudden and perhaps only temporary urge to kill people can simply help himself to the contents of Mom’s gun cabinet. Perhaps most important, the more people there are who have guns, the less effective the police become. The power of the citizens and that of the police approach parity. The police cease to have even a near-monopoly on the use of force. To many devotees of the Second Amendment, this is precisely the point. As former Congressman Jay Dickey, Republican of Arkansas, said in January 2011, “We have a right to bear arms because of the threat of government taking over the freedoms we have.” The more people there are with guns, the less able the government is to control them. But if arming the citizenry limits the power of the government, it does so by limiting the power of its agents, such as the police. Domestic defense becomes more a matter of private self-help and vigilantism and less a matter of democratically-controlled, public law enforcement. Domestic security becomes increasingly “privatized.” There is, of course, a large element of fantasy in Dickey’s claim. Individuals with handguns are no match for a modern army. It’s also a delusion to suppose that the government in a liberal democracy such as the United States could become so tyrannical that armed insurrection, rather than democratic procedures, would be the best means of constraining it. This is not Syria; nor will it ever be. Shortly after Dickey made his comment, people in Egypt rose against a government that had suppressed their freedom in ways far more serious than requiring them to pay for health care. Although a tiny minority of Egyptians do own guns, the protesters would not have succeeded if those guns had been brought to Tahrir Square. If the assembled citizens had been brandishing Glocks in accordance with the script favored by Second Amendment fantasists, the old regime would almost certainly still be in power and many Egyptians who’re now alive would be dead. For the police to remain effective in a society in which most of those they must confront or arrest are armed, they must, like criminals, become better armed, more numerous, and readier to fire. But if they do that, guns won’t have produced a net reduction in the power of the government but will only have generated enormous private and public expenditures, leaving the balance of power between armed citizens and the state as it was before, the unarmed conspicuously worse off, and everyone poorer except the gun industry. The alternative to maintaining the balance of power is to allow it to shift in favor of the armed citizenry and away from the police, again making unarmed citizens — including those who refuse on principle to contribute to the erosion of collective security by getting a gun — the greatest losers overall. The logic is inexorable: as more private individuals acquire guns, the power of the police declines, personal security becomes more a matter of self-help, and the unarmed have an increasing incentive to get guns, until everyone is armed. When most citizens then have the ability to kill anyone in their vicinity in an instant, everyone is less secure than they would be if no one had guns other than the members of a democratically accountable police force. The logic of private gun possession is thus similar to that of the nuclear arms race. When only one state gets nuclear weapons, it enhances its own security but reduces that of others, which have become more vulnerable. The other states then have an incentive to get nuclear weapons to try to restore their security. As more states get them, the incentives for others increase. If eventually all get them, the potential for catastrophe — whether through irrationality, misperception, or accident — is great. Each state’s security is then much lower than it would be if none had nuclear weapons. Gun advocates and criminals are allies in demanding that guns remain in private hands. They differ in how they want them distributed. Criminals want guns for themselves but not for their potential victims. Others want them for themselves but not for criminals. But while gun control can do a little to restrict access to guns by potential criminals, it can’t do much when guns are to be found in every other household. Either criminals and non-criminals will have them or neither will. Gun advocates prefer for both rather than neither to have them. But, as with nuclear weapons, we would all be safer if no one had guns — or, rather, no one other than trained and legally constrained police officers. Domestic defense would then be conducted the way we conduct national defense. We no longer accept, as the authors of the now obsolete Second Amendment did, that “a well-regulated militia” is “necessary to the security of a free state.” Rather than leaving national defense to citizens’ militias, we now, for a variety of compelling reasons, cede the right of national defense to certain state-authorized professional institutions: the Army, Navy, and so on. We rightly trust these forces to protect us from external threats and not to become instruments of domestic repression. We could have the same trust in a police force designed to protect us from domestic threats. A prohibition of private ownership would not mean that no one could shoot guns. Guns for target shooting could be rented under security arrangements at the range. And there’s perhaps scope for debate about private possession of single chamber shotguns for hunting. Gun advocates will object that a prohibition of private gun ownership is an impossibility in the United States. But this is not an objection they can press in good faith, for the only reason that a legal prohibition could be impossible in a democratic state is that a majority oppose it. If gun advocates ceased to oppose it, a prohibition would be possible. They will next argue that even if there were a legal prohibition, it could not be enforced with anything approaching complete effectiveness. This is true. As long as some people somewhere have guns, some people here can get them. Similarly, the legal prohibition of murder cannot eliminate murder. But the prohibition of murder is more effective than a policy of “murder control” would be. Guns are not like alcohol and drugs, both of which we have tried unsuccessfully to prohibit. Many people have an intense desire for alcohol or drugs that is independent of what other people may do. But the need for a gun for self-defense depends on whether other people have them and how effective the protection and deterrence provided by the state are. Thus, in other Western countries in which there are fewer guns, there are correspondingly fewer instances in which people need guns for effective self-defense.

#### Gun bans improve the right to security which controls the link to self-defense.

McMahan 12 Jeff (professor of philosophy at Rutgers University) “Why Gun ‘Control’ Is Not Enough” New York Times December 19th 2012 <http://opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?_r=0> JW

Gun advocates sometimes argue that a prohibition would violate individuals’ rights of self-defense. Imposing a ban on guns, they argue, would be tantamount to taking a person’s gun from her just as someone is about to kill her. But this is a defective analogy. Although a prohibition would deprive people of one effective means of self-defense, it would also ensure that there would be far fewer occasions on which a gun would be necessary or even useful for self-defense. For guns would be forbidden not just to those who would use them for defense but also to those who would use them for aggression. Guns are only one means of self-defense and self-defense is only one means of achieving security against attack. It is the right to security against attack that is fundamental. A policy that unavoidably deprives a person of one means of self-defense but on balance substantially reduces her vulnerability to attack is therefore respectful of the more fundamental right from which the right of self-defense is derived.

### Giroux 15

#### US is responsible for gun violence-it’s because we so neoliberal and shitty. Removing guns is key first step to solving neolib state.

Giroux 15 Henry (Distinguished Visiting Professorship at Ryerson University) “Murder, Incorporated: Guns and the Growing Culture of Violence in the US” Truthout October 7th 2015 <http://www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us> JW

Nine people were killed and seven wounded recently in a mass shooting at a community college in Roseburg, Oregon. Such shootings are more than another tragic expression of unchecked violence in the United States; they are symptomatic of a society engulfed in fear, militarism, a survival-of-the-fittest ethos and a growing disdain for human life. Sadly, this shooting is not an isolated incident. Over 270 mass shootings have taken place in the United States this year alone, proving once again that the economic, political and social conditions that underlie such violence are not being addressed. In the United States, calls for liberal, Band-Aid reforms do not work in the face of the carnage taking place. "The United States sees an average of 92 gun deaths per day - and more preschoolers are shot dead each year than police officers are killed in the line of duty." (1) Mass violence in the United States has to be understood within a larger construction of the totality of the forces that produce it. Focusing merely on the more dramatic shootings misses the extent of the needless violence and murders that are taking place daily. State repression, unbridled self-interest, an empty consumerist ethos and war-like values have become the organizing principles of US society, producing an indifference to the common good, compassion, a concern for others and equality. As the public collapses into the individualized values of a banal consumer culture and the lure of private obsessions, US society flirts with forms of irrationality that are at the heart of everyday aggression and the withering of public life. US society is driven by unrestrained market values in which economic actions and financial exchanges are divorced from social costs, further undermining any sense of social responsibility. In addition, a wasteful, giant military-industrial-surveillance complex fueled by the war on terror, along with the United States' endless consumption of violence as entertainment and its celebration of a pervasive gun culture, normalizes the everyday violence waged against Black youth, immigrants, children fed into the school-to-prison pipeline and others considered disposable. US politicians now attempt to govern the effects of systemic violence while ignoring its underlying causes. Under such circumstances, a society saturated in violence gains credence when its political leaders have given up on the notion of the common good, social justice and equality, all of which appear to have become relics of history in the United States. In the face of mass shootings, the public relations disimagination machine goes into overdrive claiming that guns are not the problem, and that the causes of such violence can be largely attributed to people living with mentally illness. When in actuality, as two Vanderbilt University researchers, Dr. Jonathan Metzl and Kenneth T. MacLeish, publishing in the American Journal of Public Health, observed that: Fewer than 6 percent of the 120,000 gun-related killings in the United States between 2001 and 2010 were perpetrated by people diagnosed with mental illness. Our research finds that across the board, the mentally ill are 60 to 120 percent more likely than the average person to be the victims of violent crime rather than the perpetrators.... There are 32,000 gun deaths in the United States on average every year, and people are far more likely to be shot by relatives, friends or acquaintances than they are by lone violent psychopaths. (2) It may not be an exaggeration to claim that the US government has blood on its hands because of the refusal of Congress to rein in a gun lobby that produces a growing militarism that sanctions a love affair with the unbridled corporate institutions, financial interests and mass-produced cultures of violence. The Oregon community college shooting is the 41st school shooting this year while there have been 142 incidents of violence on school properties since 2012. Yet, the violence continues unchecked, all the while legitimated by the cowardly acts of politicians who refuse to enact legislation to curb the proliferation of guns or support measures as elementary as background checks - which 88 percent of the American people support - or for that matter, ban large-capacity ammunition magazines and assault rifles. In part, this cowardly refusal on the part of politicians is due to the fact that gun lobbyists pour huge amounts of money into the campaigns of politicians who support their interests. For example, in 2015, the gun lobby spent $5,697,429 while those supporting gun control paid out $867,601. In a New York Times op-ed, Gabrielle Giffords pointed out that the National Rifle Association (NRA) in the 2012 election cycle "spent around $25 million on contributions, lobbying and outside spending." (3) Outside money does more than corrupt politics; it is also responsible for people being shot and killed. Many Americans are obsessed with violence. They not only own nearly 300 million firearms, but also have a love affair with powerful weaponry such as 9mm Glock semiautomatic pistols and AR-15 assault rifles. Collective anger, frustration, fear and resentment increasingly characterize a society in which people are out of work, young people cannot imagine a decent future, everyday behaviors are criminalized, inequality in wealth and income are soaring and the police are viewed as occupying armies. This is not only a recipe for both random violence and mass shootings; it makes such acts appear routine and commonplace. Fear has become a public relations strategy used not only by the national security state but also by the gun industry. When you live in a country in which you are constantly bombarded by the assumption that the government is the enemy of democracy and you are told that nobody can be trusted, and the discourse of hate, particularly against Black youth, immigrants and gun control advocates, spews out daily from thousands of conservative radio stations and major TV networks, a climate of fear engulfs the country reinforcing the belief that gun ownership is the only notion of safety in which people can believe in order to live as free human beings. Under such circumstances, genuine fears and concerns for safety are undermined. These include the fear of poverty, lack of meaningful employment, the absence of decent health care, poor schools, police violence and the militarization of society, all of which further legitimate and fuel the machinery of insecurity, violence and death. Fear degenerates into willful ignorance while any semblance of rationality is erased, especially around the logic of gun control. As Adam Gopnik observes: Gun control ends gun violence as surely an antibiotics end bacterial infections, as surely as vaccines end childhood measles - not perfectly and in every case, but overwhelmingly and everywhere that it's been taken seriously and tried at length. These lives can be saved. Kids continue to die en masse because one political party won't allow that to change, and the party won't allow it to change because of the irrational and often paranoid fixations that make the massacre of students and children an acceptable cost of fetishizing guns. (4) President Obama is right in stating that the violence we see in the United States is "a political choice we make that allows this to happen." While taking aim at the gun lobby, especially the NRA, what Obama fails to address is that extreme violence is systemic in US society, has become the foundation of politics and must be understood within a broader historical, economic, cultural and political context. To be precise, politics has become an extension of violence driven by a culture of fear, cruelty and hatred legitimated by the politicians bought and sold by the gun lobby and other related militaristic interests. Moreover, violence is now treated as a sport, a pleasure-producing form of commerce, a source of major profits for the defense industries and a corrosive influence upon US democracy. And as such it is an expression of a deeper political and ethical corruption in US society. As Rich Broderick insists, US society "embraces a soulless free-market idolatry in which the value of everything, including human beings, is determined by the bottom line" and in doing so this market fundamentalism and its theater of cruelty and greed perpetuate a spectacle of violence fed by an echo chamber "of paranoia, racism, and apocalyptic fantasies rampant in the gun culture." (5) The lesson here is that the culture of violence cannot be abstracted from the business of violence. Murdering children in schools, the streets, in jails, detention centers and other places increasingly deemed unsafe has become something of a national pastime. One wonders how many innocent children have to die in the United States before it becomes clear that the revenue made by the $13.5 billion gun industry, with a $1.5 billion profit, are fueling a national bloodbath by using lobbyists to pay off politicians, wage a mammoth propaganda campaign and induct young children into the culture of violence. (6) What is clear is that as more guns are on the streets and in the hands of people a savage killing machine is unleashed on those who are largely poor, Black and vulnerable. The widespread availability of guns is the reason for the shooting and killing of children and adults in Chicago, Boston, Ferguson, New York City and in other major cities. The Law Center to Prevent Gun Violence reports that "in 2010, guns took the lives of 31,076 Americans in homicides, suicides and unintentional shootings. This is the equivalent of more than 85 deaths each day and more than three deaths each hour. [In addition], 73,505 Americans were treated in hospital emergency departments for non-fatal gunshot wounds in 2010." (7) And the toll of gun violence on young people is truly heartbreaking with almost 30,000 young people killed in a 10-year period, which amounts "to nearly 3,000 kids shot to death in a typical year." (8) According to a Carnegie-Knight News21 program investigation, For every US soldier killed in Afghanistan during 11 years of war, at least 13 children were shot and killed in the United States. More than 450 kids didn't make it to kindergarten. Another 2,700 or more were killed by a firearm before they could sit behind the wheel of a car. Every day, on average, seven children were shot dead. A News21 investigation of child and youth deaths in the United States between 2002 and 2012 found that at least 28,000 children and teens 19-years-old and younger were killed with guns. Teenagers between the ages of 15 and 19 made up over two-thirds of all youth gun deaths in the United States. (9) Even worse, the firearms industry is pouring millions into recruiting and educational campaigns designed to both expose children to guns at an early age and to recruit them as lifelong gun enthusiasts. Reporting on such efforts for The New York Times, Mike McIntire writes: The industry's strategies include giving firearms, ammunition and cash to youth groups; weakening state restrictions on hunting by young children; marketing an affordable military-style rifle for "junior shooters" and sponsoring semiautomatic-handgun competitions for youths; and developing a target-shooting video game that promotes brand-name weapons, with links to the Web sites of their makers.... Newer initiatives by other organizations go further, seeking to introduce children to high-powered rifles and handguns while invoking the same rationale of those older, more traditional programs: that firearms can teach "life skills" like responsibility, ethics and citizenship. (10) As the United States moves from a welfare state to a warfare state, state violence becomes normalized. The United States' moral compass and its highest democratic ideals have begun to wither, and the institutions that were once designed to help people now serve to largely suppress them. Gun laws, social responsibility and a government responsive to its people matter. We must end the dominance of gun lobbyists, the reign of money-controlled politics, the proliferation of high levels of violence in popular culture and the ongoing militarization of US society. At the same time, it is crucial, as many in the movement for Black lives have stated, that we refuse to endorse the kind of gun control that criminalizes young people of color. Gun violence in the United States is inextricably tied to economic violence as when hedge fund managers invest heavily in companies that make high-powered automatic rifles, 44-40 Colt revolvers, laser scopes for semiautomatic handguns and expanded magazine clips. (11) The same mentality that trades in profits at the expense of human life gives the United States the shameful title of being the world's largest arms exporter. According to the Stockholm International Peace Research Institute, "Washington sold 31% of all global imports during the 2010-2014 period." (12) This epidemic of violence connects the spreading of violence abroad with the violence waged at home. It also points to the violence reproduced by politicians who would rather support the military-industrial-gun complex and arms industries than address the most basic needs and social problems faced by Americans. Rather than arming people with more guns, criminalizing every aspect of social behavior, militarizing the police and allowing the gun lobby to sanction putting semiautomatic weapons in the hands of children and adults, the most immediate action that can be taken is to institute effective gun control laws. As Bernardine Dohrn has argued: We want gun control that sanctions manufacturers, distributors and adults who place, and profit from, deadly weapons in the possession of youth. We want military-style weaponry banned. We want smaller schools with nurses and social workers, librarians and parent volunteers - all of which are shown to contribute to less disruption and less violence. Let's promote gun-control provisions and regulations that enhance teaching and learning as well as justice and safety for children, not those that will further incarcerate, punish and demonize young people of color. We've been there before. (13) And Dohrn's suggestions would be only the beginning of real reform, one that goes right to the heart of eliminating the violence at the core of US society. The United States has become a society that is indifferent to the welfare of its citizens, as the drive for profits has replaced any vestige of social and moral responsibility. Violence has arisen from the breakdown of public space, the erasure of public goods and a growing disdain for the common good. Gratuitous violence is no longer merely a sport or form of entertainment; it has become central to a society that trades on fear and fetishizes hyperviolent and punitive practices and social relations. Brutal, masculine authority now rules US society and wages a war against women's reproductive rights, civil liberties, poor Black and Brown youth and Mexican immigrants. When violence becomes an organizing principle of society, the fabric of a democracy begins to unravel, suggesting that the United States is at war with itself. When politicians refuse out of narrow self and financial interests to confront the conditions that create such violence, they have blood on their hands.

### CRRC 14

#### Donohue study sucks—guns don’t increase crime.

CRRC 14 Crime Prevention Research Center “PROBLEMS WITH THE WASHINGTON POST’S AND HUFFINGTON POST’S “MORE GUNS, MORE CRIME” CLAIMS” November 16th 2014 <http://crimeresearch.org/2014/11/problems-with-the-washington-posts-and-huffington-posts-more-guns-more-crime-claims/> JW

There are many errors in Ingraham’s article. For example, “Stanford law professor John Donohue and his colleagues have added another full decade to the analysis.” Yet, the third edition of “More Guns, Less Crime” has data from 1977 to 2005. Moody, Marvell, Zimmerman, and Alemante have a new paper earlier this year that looked at data from 1977 to 2006. Gius (2014) looked at data up through 2009. Zimmerman (2014) looks at crime data up through 2010. And note that none of those papers agree with Aneja, Donohue, and Zhang’s conclusion. Previously even in the Washington Post, Emily Badger’s misleading column also discussed an earlier version of Donohue’s paper with data through 2006 (7/29). 1) The problem with using the 1999 to 2010 period of time is discussed extensively in this short paper available here (download recommended). The abstract reads as follows: “Unfortunately, many who have examined the impact of so-called “shall-issue” or “right-to-carry” laws assume that the adoption of such laws causes a large, immediate increase in the number of permits. But that is often not the case, for states differ widely as to how easily permits can be obtained. This problem is particularly problematic for studies that have looked at the period after 2000. In fact, the share of the adult population with permits increased less during the 1999-2010 period in the states that adopted right-to-carry laws than the states that they are being compared against.” 2) Take a big claim in the Aneja, Donohue, and Zhang paper: If we estimate both the dummy and spline models using our preferred specification without state trends for each of these two time periods (overall or after 1999), then we have 4 estimates of the impact of RTC laws for each of seven crime categories (Tables 8a and 11a). In each of the seven crime categories, at least one of these four estimates suggests that RTC laws increase crime at the .10 level of significance, with murder, rape, and larceny estimates reaching significance at the .05 level. These crime increases are substantial, with the dummy variable model for the complete period (Table 8a) suggesting that RTC laws increased every crime category by at least 8 percent, except murder (in that model, murder rose 3 percent but it is not statistically significant). For the post- 1999 regressions, spline estimate (Table 11a) suggests that RTC laws increased the rate of murder by 1.5 percentage points each year (significant at the .05 level). In none of those 28 regressions was there any statistically significant estimate suggesting that RTC laws decreased crime. Thus, the evidence that RTC laws increase crime is strongest if one accepts the dummy variable model with our preferred specification on state data (the Table 8a and 11a results) and accepts the Wolfers (2006) critique that one should avoid controlling for state trends. The two sets of estimates can be seen here. In Table 8a, the Aneja, Donohue, and Zhang now argue that a simply “dummy” variable that measures the before-and-after crime rate is their ideal specification. In Table 11a, they point to a comparison of before-and-after trends. 1) Ironically, Donohue has had a number of papers arguing that the simple “dummy” variable method is misleading. For example, see the discussion in Ayres and Donohue, Stanford Law Review, 2003. Here is a discussion of the general problem of relying on just before-and-after averages as measured by a simple “dummy” variable (second edition of More Guns, Less Crime in 2000 (see also the same point on pp. 1219-1220 in Ayres and Donohue (2003))). 3) Despite these flawed estimates that are biased towards finding the results that Aneja, Donohue, and Zhang want, the large majority of their own results don’t show any harm from concealed carry laws. ADZ claim aggravated assaults provided by far the strongest and consistent support for their claim, but then note even then just 11 of their 28 estimates show an increase in crime and these are the primarily the results just discussed in points (1) and (2). From ADZ’s abstract: 4) Aneja, Donohue, and Zhang falsely claim over and over again that previous research failed to account for crack cocaine. Hypocritically, they then fail to actually use this data and don’t even note that Lott used the very data they recommend for all the years that it is available in the third edition of “More Guns, Less Crime.” ADZ argue that estimates that don’t account for cocaine “are marred by omitted variable bias,” but then, unlike John Lott’s work, none of ADZ’s regression estimates actually account for cocaine.

### Baker 14

#### Right to self-defense comes from the right to life, not the right to non-interference.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal o f Applied Philosophy 28:2 pp. 235-249 2014 JW

The first problem with LaFollette's argument is that he has misidentified the fundamental right that is relevant here. While it is true that we have a general right of noninterference, the right to self-defense—at least as it is connected to the right to firearm ownership—is derived from something even more fundamental, the right to life. This becomes evident when we consider the circumstances under which wielding a firearm in self-defense would be justified by the requirement of proportionality. The use of a firearm involves inflicting potentially lethal harm. Therefore firearms may only legitimately be employed in self-defense, or their use threatened for defensive purposes, in circumstances that can be reasonably considered to be life-threatening or that represent the threat of real, serious, and lasting or permanent harm.16 It is hard to imagine other forms of interference (such as interfering with my right to freedom of speech, or freedom of movement, or freedom of religion) that would legitimate employing, or threatening the employment of, a firearm. LaFollette's connecting of the prima facie derivative right to own firearms in self-defense to the fundamental right of noninterference therefore illegitimately weakens the weight of the derivative right.

#### Gun rights are stronger than most derivative rights—stems from right to dignity and life.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal o f Applied Philosophy 28:2 pp. 235-249 2014 JW

First, as I have argued above, the unique nature of the right to life means that the right to self-defense loses very little, if any, normative weight in being a derivative right. A second consideration is that the weight of the right to self-defense is not only derived from its connection to the right to life, but has additional, intrinsic, moral weight. Beyond its role in securing the right to life, the right to defend oneself against an attacker intent on lethal harm is, for want of a better description, a basic dignity. One way to see this is to consider the fact that meeting the requirement of 'likelihood of success' is not a requirement that must be met for an individual to legitimately employ force in self-defense against an attacker bent on inflicting lethal harm. That is to say, we do not expect Victim, on determining that her chances of preventing Attacker from killing her are either miniscule or nil, to refrain from directing proportionate and discriminate force against her attacker. Why not? One answer might be to point to epistemic uncertainty—that under such conditions Victim cannot be certain that responding with force will not prevent her death, and so, given the seriousness of the situation, she is justified in her response. But that won't do. It is easy enough to think up cases where Victim's death is virtually certain and the use of force against Attacker is almost certainly going to be impotent in preventing that death. Yet it seems strongly counterintuitive to say that Victim would be doing a moral harm were she to put up a fight anyway. Why is that? It cannot be that Victim's actions are justified in order to ensure that Attacker receives his just punishment. If that were so a third-party defender would be pro tanto justified in using lethal force against Attacker where there were no likelihood that doing so would prevent the death of Victim—and that is clearly not the case. So the justifiability of Victim's action in this case must be about Victim, not Attacker. Our intuition here is that Victim's fundamental dignity requires that she be allowed to attempt to defend herself, and not simply accept the role of helpless victim, even where doing so is doomed to failure. This dignity, then, is an inherent part of the moral weight that the right to self-defense has, a weight that is additional to the derivative moral weight the right to self-defense gains from the right to life. Finally, it is also a mistake to consider the right to own firearms for purposes of self-defense as being 'another step away.' The right to self-defense entails the right to the means to self-defense.18 Thus, if you deny me access to whatever means are necessary to defend my life in some or other circumstance it is my right to self-defense that you are directly undermining, not some second-order right to the means in question, whatever it may be. Strictly speaking, then, it is somewhat misleading to speak of a right to gun ownership, though that is obviously a more convenient convention than speaking of 'the right to self-defense that entails private ownership of firearms.'

#### Guns are key to self-defense.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal o f Applied Philosophy 28:2 pp. 235-249 2014 JW

The question remains, is private ownership of firearms in fact entailed by the right to self-defense? Dixon contends that "the right to self-defense is constrained by necessity and proportionality requirements. If handguns, while sufficient, are not necessary to protect us from predators, using them would be gratuitous and not entailed by the general right to self-defense. In the vast majority of cases, we can indeed protect ourselves from being victimized by criminals without using any type of firearm. " 21 There is an important confusion here that becomes evident if we consider more closely the issues of necessity and proportionality as they pertain to this issue. If I can, without undue risk of serious harm to myself, disarm an attacker who intends to kill me, then employing lethal means such as a firearm might be proportional but not necessary. On the other hand, if I am protecting myself against an attacker who, despite her best intentions, clearly does not present any danger of lethal or serious harm, then it would be disproportionate for me to shoot her. So Dixon is correct to say that these requirements are constraints on the right to self-defense. However, the necessity and proportionality constraints on the right to self-defense are defined by the specific circumstances of each particular occasion in which that right is exercised. As such, what is or is not proportionate or necessary in 'the vast majority of cases' tells us nothing at all about what will be proportionate or necessary for any particular case of selfdefense. Of course McMahan is correct to say that "we would all be safer if no one had guns—or, rather, no one other than trained and legally constrained police officers. " 22 But even if a ban on guns could actually achieve a utopian world in which the 'bad guys' do not have firearms (unlikely in the extreme) this would still not show that ownership of a firearm for purposes of self-defense fails the test of necessity. It is entirely feasible that I might be attacked by an assailant who is intent on deadly harm and armed with a kitchen knife, hammer, axe or club in circumstances where employing a firearm would be both necessary and proportionate (presumably the possibility of this kind of attack is also why McMahan thinks the police would still need guns in the utopian world he hopes for). So, in the absence of a world without assailants intent on lethal harm, the question of whether or not possession of a firearm is entailed by the right to self-defense exercised in accordance with the requirements of necessity and proportionality has nothing at all to do with what those requirements dictate about the use of lethal force in the majority of cases.

#### Gun ownership does not justify ownership of every weapon.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal o f Applied Philosophy 28:2 pp. 235-249 2014 JW

Perhaps there is a problem here. Is not the argument here subject, as Dixon suggests, to a reductio ad absurdum, namely "that the same argument for handguns as a means of self-defense would also entail a right for private ownership of Uzis, hand grenades, or even nuclear weapons" ? 23 Dixon implies that this reductio can only be avoided if we follow Huemer24 in dismissing any argument for ownership of such weapons on the grounds that "the odds are hugely stacked against the benefits of such weapons outweighing their enormous risks," which plays directly into Dixon's claim that what must be weighed here is 'the overall net effect' of (hand)gun ownership on homicide rates—i.e., it all boils down to risk simpliciter.25 But this apparent reductio absurdum in fact has no such consequence and we are in no way compelled to evaluate the issue in this manner. What is missed here is that we are not considering the right to self-defense (and what is entailed by that right) in a state of nature, but in the context of a functioning state. In a state of nature the right to self-defense might well entail a right for private ownership of Uzis, hand grenades, and yes, even nuclear weapons. If there is no state to protect me, and my life is at threat by marauding bands of heavily-armed bandits, then automatic weapons and explosive ordnance might well be required for necessary, proportionate and effective self-defense. Likewise, imagine an unlikely but conceptually coherent hypothetical future situation in which the government of the United States has collapsed, leaving no legitimate authority in power over the territory formerly occupied by the United States of America. Imagine further that a hostile nuclear-armed country is poised to take advantage of the situation in order to exact revenge for perceived past harms, by launching nuclear strikes onto the territory of what was the USA. Under such (admittedly bizarre) circumstances it would not be obviously inappropriate for an individual to secure ownership of a nuclear weapon for the purposes of deterring the hostile state in defense of that person's life and the lives of other former Americans living in the territory formerly occupied by the USA (keeping in mind that defense of others is a recognized aspect of self-defense).26 The reason we don't normally think of the right to self-defense as entailing a right to Uzis, hand grenades, and the like is not, as Huemer and Dixon think, because they weigh too heavily on the risk side of the risk-benefit equation. It is instead because the right to self-defense as we are talking about it here is exercised in the context of a functioning state which is responsible for shouldering most of the burden of defending us from those who would harm us. Where there is a functioning and effective state, the likelihood of my requiring automatic weapons and explosive ordnance in order to defend myself is vanishingly small, and therefore the state does me no moral harm by denying me access to such weapons. If, however, I were to live in one of the parts of (say) present-day Somalia where the government and its international supporters has yet to exert effective control, and where I face the real threat of harm from heavily armed bandit groups and radical Islamists like A1 Shabaab, then I would most certainly be entitled to retain ownership of my select-fire AK-47 and perhaps even a grenade or two.

#### Gun ownership does not remove from the state’s monopoly on force.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal o f Applied Philosophy 28:2 pp. 235-249 2014 JW

But is McMahan right? I don't believe he is. For one thing, if the state's monopoly on force were merely a consequence of the police having an advantage in firepower over the populace then we would have to say that, in the United States at least, the state lost that monopoly a long time ago. While there are no exact figures on the number of firearms in private hands in the United States, official estimates put the figure at somewhere around 310 million34—the law enforcement community in the U.S. is without doubt 'outgunned' on any direct comparison of firepower. But the weight of the state's monopoly on force is as much, or more, a product of societal norms as it is of relative firepower. McMahan also misses the point that an ordinary law-abiding citizen who owns and perhaps employs a firearm in legitimate self-defense does not by virtue of doing so resort to 'vigilantism.' So long as said civilian acts within the law (which allows her the right to use force in self-defense under appropriate circumstances) she is in effect licensed by the state to use force in this manner, and is thereby acting as a proxy agent of the state in doing so. It is only if most gun owners act in opposition to the laws enacted by the state that the state's monopoly on force is threatened. But, pace McMahan, there is no reason to think that to be the case.

### LaFollette 2k

#### Gun ownership is not a fundamental right.

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First, I see no compelling reason to think that owning a gun is a fundamental interest. Other fundamental interests are necessary to one’s flourishing no matter what her particular desires, interests, and beliefs. It is difficult to see how this is true of guns. Moreover, the interests protected by paradigmatic fundamental rights—our interests in unfettered speech, freedom of religion, and freedom of association—are not merely means to my flourishing, they are elements constituting it. By contrast, having a gun in my bed stand, in my closet, or on my person might be a means for me to achieve my ends, but they are not constitutive elements of my flourishing. Hence, owning guns is not a fundamental interest. Wheeler disagrees. He argues that the right to bear arms is fundamental since guns are the best way to protect our fundamental interest in self-defense.4 However, on his view, guns are not inherently valuable; they are valuable only as a means of self-defense.5 I fail to see how this could make the right to bear arms fundamental. Not every means to a fundamental interest is a fundamental right. That would arguably make most actions protected by fundamental rights. Nonetheless, the connection between owning guns and self-defense is an important issue that I address later. Others might claim that gun ownership is an essential element for the flourishing of a proper citizen. A proper citizen, on this view, is one capable of providing for and defending his family. Although each citizen can (generally) fend for himself, citizens come together to form a limited government to provide those few needs they cannot easily satisfy on their own. However, this vision of the citizen is very controversial, more controversial than the interest in gun ownership it seeks to justify. It assumes each of us has far more control over our lives than we arguably do have. Furthermore, even if this conception were defensible, it would not establish a fundamental right to bear arms since guns are mere means to independent citizenship. They are not constitutive of that citizenship. Hence, it is doubtful that the purported right to bear arms satisfies the first requirement of a fundamental right. Second, we have evidence that granting this right type does harm society. If this evidence is at all credible, then granting this purported right would not satisfy the second requirement either. But this does not resolve the issue. Although people do not have a fundamental right to own guns, gun control might be wrong because it violates some derivative right or simply because it is bad public policy.

#### Best evidence proves—gun prevalence causes homicide. Gun restrictions reduce homicide.

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1. The connection between availability of guns and murder.—Perhaps the most well-established statistic is this: the more widely available guns (especially handguns) are, the more people are murdered. The figures are duplicated time and again in country after country. Here is the bottom line: ‘‘The correlation between any gun-prevalence and the overall murder rate is .67, while it is .84 between handgun prevalence and overall murder rate.’’ 11 These figures are significant to the .01 level; that is, the chance that these correlations could occur merely by chance is less than one out of 100. This correlation meets the statisticians’ gold standard. But this does not resolve the issue, for it does not establish what gun control advocates claim it shows, namely, that gun control is an effective way of substantially lessening the murder rate. First, a statistical correlation shows that two things are linked, but it does not tell us if the first caused the second, the second caused the first, or if there is some third factor which caused both. Second, even if the items are causally related, we do not know that changing the cause will straightforwardly change the effect since another factor might intervene to sustain the effect. Gun advocates proffer their own armchair explanation for the correlations: these correlations reflect the character of the respective social and political systems. The European countries where murder rates are lower have more social solidarity and are more heterogeneous than the United States. Whether these social factors explain all of the correlation is debatable, but I am confident they explain some of it.Were the United States to regulate guns as tightly as most European countries, our murder rates arguably would fall, but they would not plummet immediately to European levels. We might settle the issue if we could conduct controlled experiments, randomly dividing our population in half, giving half of them guns, removing all the guns from the other half, and then monitoring the murder rate. Of course, that would be morally unacceptable, politically unrealistic, and probably even scientifically unachievable. Before we had enough time to exclude all possible intervening causes, sufficient time might have elapsed so that new intervening causes could have emerged. But we are not left in the dark. We have empirical evidence that helps adjudicate between competing explanations of the correlation. First, we have empirical evidence, bolstered by armchair arguments, that guns are more lethal than other weapons. Some claim the ratio is 5:1; no estimates are lower than 2:1.12 This partly explains the strong correlation between guns and homicides. If people get angry the same number of times, those using the most lethal weapons are more likely to kill their victims. Second, the nature of secondary gun markets helps explain how the widespread availability of guns increases crime in general and homicides in particular. Various opponents of gun control claim that ‘‘If we outlaw guns, only outlaws will have guns.’’ Armchair arguments suggest why this is a silly claim. Where, one might ask, do criminals get their guns? They often steal them or buy them from those who purchased them legally. Even guns obtained from other criminals are usually traceable to people who purchased them legally. Empirical evidence supports this armchair supposition. Most criminals report having stolen their guns, received them from a friend or family member, or purchased them from someone who had stolen it. At least half a million guns are stolen each year, and these swell the numbers of guns available illegally.13 Not only does the primary (legal) market affect the availability of guns on secondary markets, it also affects the price of guns on those markets, much ‘‘like the analogous markets for motor vehicles or prescription drugs.’’ 14 As we restrict the availability of guns in the primary market, the supply of guns in the secondary markets decreases and their cost increases.15 This increase in cost will diminish teenagers’ ability to obtain guns since they are least able to afford hefty prices. Since teenagers commit most deadly crimes, decreasing the availability of legal guns will thereby decrease the number of homicides. The converse is true as well: having huge numbers of legally available guns increases the number of guns on secondary markets and typically lowers their price. This makes it easier for prospective criminals, including teenagers, to obtain guns. Third, having a gun around the house (or on the person)—even for self-protection—apparently increases the chance that someone in the family will kill themselves with the gun or will be the victim of a homicide or an accident. One study found that ‘‘for every time a gun in the home was involved in a self-protection homicide, they noted 1.3 unintentional deaths, 4.5 criminal homicides, and 37 firearm suicides.’’ 16 This implies that for every case where someone in a gun-owning household uses a gun to successfully stop a life-threatening attack, nearly forty-three people in similar households will die from a gunshot. Taken together the evidence does not prove that widespread availability of guns increases the number of homicides. However, that empirical evidence, bolstered by earlier armchair arguments, makes the claim highly plausible.

#### Kleck study is a terrible methodology.

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However, these figures are inflated, likely dramatically so. First, Kleck’s methodology is flawed. Surveys have an inherent tendency to overestimate rare events. Kleck made his estimates based on phone interviews with people in 5,000 dwelling units. One percent of those units claimed to have used a gun defensively in the past year. Kleck inferred from these responses that there are 2.5 million defensive handgun uses per year. However, since this inference is based on an affirmative answer by one person out of a hundred, that means that for every chance for a false negative (someone who falsely denies using a gun defensively) there are ninety-nine chances for a false positive (someone who falsely claims to have used a gun defensively).20 The probability that this or some other bias skews the findings is substantial. Second, Kleck’s findings are inconsistent with findings by the National Crime Victimization Survey (NCVS), which interviewed far more people and interviewed them more regularly.21 Kleck’s estimates even clash with the findings of the NCVS on the incidence and circumstances of robberies (which seems less subject to reporting bias). If Kleck’s figures were correct, then ‘‘Kleck asks us to believe that burglary victims in gun owning households use their guns in self-defense more than 100% of the time, even though most were initially asleep.’’ 22 Finally, if there were 2.5 million defensive gun uses each year, how many of those were necessary? Given the negative results of private gun ownership, gun advocates should show not only that guns deter crime but that they are the best way of doing so. Some people plausibly claim that owning a dog is an effective deterrent. If true, then a not insignificant percentage of those who used a gun defensively could have achieved the same results without the accompanying danger. In summary, there is no doubt that guns deter some crime and stop the completion of other crimes, just not in the numbers that Kleck claims.

#### Lott’s study fails.

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John Lott supplements Kleck’s argument by claiming that the widespread use of concealed weapons would decrease the annual number of homicides by 1,400; rapes by 4,200; aggravated assaults by 60,000; and robberies by 12,000.23 If true, and if there were no countervailing costs, this would be a powerful reason not only to permit guns but to encourage people to have and carry them. However, Lott’s conclusions have also come under severe criticism: ‘‘The central problem is that crime moves in waves, yet Lott’s analysis does not include variables that can explain these cycles. For example, he used no variables on gangs, on drug consumption, or community policing. As a result, many of Lott’s findings make no sense. He finds for instance, that both increasing the rate of unemployment and reducing income reduces the rate of violent crimes.’’ 24 Perhaps the most compelling critique comes from Jens Ludwig, who compares the rate of violent crime toward youths and adults in states that passed shall-issue carrying permits. Most of these states issue gun permits only to people over twenty-one. Armchair considerations predict that younger people, who cannot legally carry, will not receive the full benefits from the purported deterrent effect of shall-issue laws. Thus, those under twenty-one years of age are a natural control group to track general swings in crime. Once we include this factor, we find that shall-issue laws lead to higher—not lower—homicide and robbery rates.25

#### Banning handguns reduces murder.

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The strong correlation between the presence of guns and a higher murder rate is compelling. Since the correlation is statistically significant to a .01 level, it is difficult to believe that limiting private gun ownership will not have a noticeable effect on the numbers of murders. Gun advocates disagree: they claim that cultural factors explain the correlation. Although I think they are partly correct, they draw the wrong inference. For one crucial difference between European and American cultures is the widespread presence of guns. Each culture is the way it is, at least in part, because of the role of guns (or their absence) played in its creation and maintenance. Therefore, curtailing the private possession of guns might well change the American culture so that it would be less violent. Consequently, it is not only that fewer guns would directly cause some decline in violent crimes—which it should. It is also likely to reshape the cultural values which, along with the ready availability of deadly weapons, led to such an extraordinarily high murder rate in America. However, the statistical evidence that guns prevent or thwart crimes is suggestive and cannot be ignored despite its identified weaknesses. In summary, the overall statistical evidence tilts in favor of gun control advocates, although the evidence is disputable. But we should not expect nor do we need indisputable evidence. We can act on the best evidence we have while being open to new evidence. If widespread availability of guns were responsible for even one-fourth of the increase in the number of murders, that would be a significant harm that the state should prevent if it could do so in a relatively unintrusive and morally acceptable way. There is little doubt that we could do that, at least to some degree. If nothing else, we could control some types of guns and ammunition. To take one obvious example, teflon-coated bullets are designed to pierce protective vests. People do not use these bullets to pierce the vests on a deer or a squirrel, on a target or a clay pigeon. They use them to pierce the vests on people, usually law-enforcement officers. This ammunition has no purpose except to cause harm. Hence, we are justified in abolishing teflon bullets and in establishing severe criminal penalties for those possessing them. This would not save large numbers of lives. But, assuming the enforcement of this ban is not impractical, then, if it saved even a few lives, that would be a compelling reason to outlaw such bullets. Some guns, however, have a much wider use, even if they occasionally are used for ill. People have seemingly legitimate uses for shotguns and single-shot rifles. Consequently, barring strong evidence to the contrary, we should not abolish them. We should, however, study their con- tributory role in causing harm and explore ways we might reduce this harm in a relatively unintrusive way. The central debate concerns handguns. The evidence we have shows that handguns are disproportionately used in homicides and in robberies. Although ‘‘there are approximately three times as many long guns as handguns in the US, more than 80 percent of gun homicides and 90 percent of gun robberies involve handguns.’’ 26 The experience in Canada suggests that criminals will not switch to long guns if handguns are unavailable. Given the special role handguns play in causing harm, we have compelling reasons to extensively control, or perhaps even abolish, handguns. But policy considerations, mentioned earlier, should give us pause.

#### CP: make people responsible for their guns financially. This solves the aff.

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In the past we not only assumed that we must either support or oppose gun control, we assumed that the only way to control guns is to legally proscribe access to them. We should consider other options. Although I find the idea of a world without handguns immensely appealing, there are reasons to seek alternatives, especially in countries like the United States with a deeply entrenched gun culture. In the present political climate, the abolition or serious control of guns in the United States is unlikely to work and unlikely to happen. There are far too many people who desperately want guns. There are far too many people who own guns. Any attempt to disarm the society would be beset with problems like those that plagued Prohibition. We have other possibilities. We could employ elements of a policy that we use to control another inherently dangerous object: dynamite. Dynamite has many beneficial uses. That is why we permit people to own it under specifiable conditions, for example, to build a road. But it is also inherently dangerous. That is why we heavily restrict its purchase, storage, and use. I cannot own dynamite for recreation (I like the flash), for hunting (I am a lousy shot), or for protection (I would not hear an intruder). Owning dynamite is rarely a significant interest and never a fundamental one. More important to the present point, even when we do permit people to own dynamite, we subject them to strict legal liability. The owner is financially liable for any harm caused by his dynamite, even if he was not negligent. I propose we make handgun owners (and perhaps ultimately all gun owners) strictly liable for harm caused by the use of their guns. If Jones’s child takes his gun and kills someone while committing a crime, then Jones will be financially responsible to those harmed. If Jones’s child accidentally kills a neighbor’s child, Jones will be financially responsible to the child’s family. If someone steals Jones’s gun and kills someone while robbing them, then Jones will owe the victim compensatory damages. And if Jones were negligent in the storing of the gun, he could be subject to punitive damages as well. Perhaps if he were grossly negligent in storing the gun (he left it lying in his front yard, next to a school playground), we might even bring criminal charges against him. This procedure is justified since guns are inherently dangerous, and it is only reasonable to expect people to take responsibility for their risky actions. The benefits are notable: many people would be disinclined to own guns, while those owning guns would likely take greater care in storing, handling, and using them. This arguably could achieve the central aims of gun control without direct government intervention. Doubtless that means that some people will be forced to pay for the misdeeds or mistakes of others in ways we might dislike. However, that is a more attractive policy than continuing the current scheme in which guns are easily obtained in the United States or than in completely denying individuals’ interest in owning guns.

### Kopel 93

#### Even if more handguns cause more handgun homicide-this doesn’t correlate with overall homicide rates—people use other weapons.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

But even if Dixon's point that higher handgun density relates to higher handgun homicide is true, so what? Unless it is assumed that handguns are some intrinsically evil totem, what difference does it make what kind of weapon is used to kill a person? During one debate on tightening Canadian gun laws, member of parliament Stuart Leggatt praised the benefits of strict gun laws: "New York, which has a fairly respectable Sullivan law, has a 25 percent murder rate by firearms, whereas Dallas, where unrestricted use of firearms is allowed, has a rate of 72 percent of murder by firearms." M.P. Otto Lang replied: "The honourable member has made an interesting case which, if read carefully, shows that murder by knife is a nicer game than murder by gun. I cannot see the point of that." [41] Other gun control advocates make the same point of M.P. Leggatt and Professor Dixon, praising a reduction in handgun homicides per se, without looking to see if overall homicides have gone down. [42] Obviously it is possible that a greater rate of handgun homicides also correlates with a greater rate of overall homicides, since handguns could be a weapon uniquely suitable to the promotion of homicide. Dixon argues as much later in his article, [43] and I respond below in this article. [44] But in the meantime, it is important to recognize the limitations of what Dixon has demonstrated thus far. At the most, he has shown that there is a relationship between handgun density and handgun homicide. He has not demonstrated a relationship between handgun density and overall homicide rates; he has not even presented figures regarding overall homicide rates. Dixon asserts that the international evidence which he has offered makes, by itself, a prima facie case for handgun restrictions. [45] His point can only be valid if it is believed that a reduction in the handgun homicide rate, unaccompanied by a reduction in the overall homicide rate, would be a good thing in itself. For persons who do not believe that murder by knife or shotgun is a nicer game than murder by handgun, nothing that Dixon has presented, thus far, shows any utility at all from handgun prohibition. Does low handgun density and/or stricter handgun control \*299 lead to a lower total homicide rate? The comparative evidence suggests not necessarily. In Great Britain, handguns may only be obtained after an extremely rigorous licensing process involving police inspections of the applicant's home and months of delay. [46] Carrying a loaded or unloaded handgun is absolutely forbidden without a license, and licenses are virtually never granted. [47] Every handgun transaction must be approved in advance by the police, and every legally-owned handgun is registered. [48] In Switzerland, handguns are readily obtainable after a person obtains a simple police permit which is valid for three months. [49] During the three months, the permit holder may buy as many handguns as he wishes, and purchases are generally not registered. Fifteen of the twenty-six cantons, representing about 57% of the population, have permit procedures for carrying handguns (some of which make permits difficult to obtain); the other cantons, representing 43% of the population, have no rules requiring a person carrying a loaded handgun to obtain any permission at all. [50] In England and Wales, the homicide rate per 100,000 population is 1.1; in Scotland (for which government statistics have always been recorded separately) the rate is 1.7. In Switzerland, where the handgun laws are immensely more lenient than in Great Britain, the rate is 1.1. [51] In the nine-country study detailed above, Switzerland had the third-lowest homicide rate, even though its handgun laws are less restrictive than all countries in the study except the United States. [52] (Indeed, most of the American states with high homicide rates have stricter handgun laws than Switzerland.) [53] As Dixon points out later, Switzerland has a higher rate of handgun homicide than the other countries he analyzes, such as Australia, Canada and Britain. [54] Yet Switzerland, with a murder rate of 1.1 per 100,000 has a much lower murder rate than Australia (2.7) \*300 and Canada (2.5), and a somewhat lower murder rate than Great Britain (1.1 for England and Wales, 1.7 for Scotland). [55] The data suggest that there is not necessarily a relationship between the handgun homicide rate and the overall homicide rate. American data also fails to provide support for a strict relationship between handgun density and total homicide. Population groups which are highest in handgun ownership rates-namely wealthier people, Protestants, whites, and rural populations-all have lower homicide rates than other groups. [56] In addition, the American homicide rate rose tenfold in the first three decades of the twentieth century [57] but U.S. per capita handgun ownership remained stable. Between 1937 and 1963, handgun ownership rose by 250 percent, but the homicide rate fell by 35.7 percent. Homicide fell again in the early to mid 1980s, even as handgun ownership was surging. [58] Of course there were likely confounding factors in the historical American data. One reason that the American homicide rate rose so sharply in the 1920s was the violence caused by alcohol prohibition, and one reason that the homicide rate fell from 1937 to 1963 was the improved quality of medical care. I am not suggesting that the evidence presented thus far proves that increased handgun density does not cause increased total homicide. I do suggest, however, that the evidence developed so far by Dixon shows no reason to believe that lower handgun density would save lives, although lower handgun density may, arguably, be associated with lower number of handgun homicides.

#### Handgun bans increase murder-Washington D.C. proves.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

Finished with international comparisons, Dixon turns to interstate analysis. If gun controls reduced crime, then it would be expected that states with stricter gun laws would have lower gun crime rates. But as Dixon acknowledges, states with stricter gun laws have higher crime rates. [113] There are several possible explanations. First, the states which enacted the strict gun laws had high crime to begin with; that it why the stricter laws were enacted. A second, not inconsistent explanation, is that gun control itself causes higher crime, making the already high-crime states even worse than they would otherwise be. Dixon deals with the explanation by dismissing it as "perverse." [114] Argument by epithet is not persuasive, and (as will be discussed below), there are plausible reasons to believe that some gun controls may increase crime, and that Dixon's proposed handgun ban would substantially aggravate crime. [115] Dixon admits that at least sometimes handguns prevent crime, [116] so it is hardly "perverse" to suggest that it could be possible that states which weaken the deterrent effect of civilian handgun ownership suffer increased crime. A third explanation for why states with stern gun laws have more crime than other states is that guns from other states, with looser laws, are smuggled into the high crime states, thus reducing or eliminating the crime-reductive effect of the strict state's law. This explanation is not inconsistent with the first two explanations. Dixon devotes the rest of his interstate discussion to arguing for this third explanation. Even if Dixon's explanation about leakage is generally true, it remains difficult to account for the dismal performance of many gun controls. For example, in 1976 the Washington, D.C. murder rate stood at 26.9 per 100,000 population, according to FBI statistics. The city council enacted a handgun ban which went into effect in February \*316 1977, and since then the Washington rate has always been higher than 26.9 (except in 1985). [117] Today, the rate is three times higher than it was before the ban was enacted. [118] If handgun bans work, why would the homicide rate rise after 1977 (which was years before the "war on drugs" made Washington's homicide problem even worse)? Smuggling guns into Washington, D.C. from other states was no easier in 1980 than it was in 1976. The ban on possession by law-abiding citizens should have reduced the supply of handguns available for Washington, D.C. criminals to steal, and should have prevented law-abiding citizens from shooting each other with handguns in heat-of-passion homicides. The D.C. handgun ban's impact on law-abiding citizens would not be defeated by interstate smuggling, since law- abiding citizens would, be definition, not buy an illegal gun. And yet the Washington homicide rate rose. Similar increases in gun crime in other jurisdictions, such as Chicago after its own handgun ban, [119] and New York City after its severe "Sullivan" handgun licensing law, [120] at least raise doubt about the complete sufficiency of interstate gun smuggling as an explanation for the failure of the gun laws. If interstate smuggling were the whole story, then it would not be expected that crime rates would rise immediately after gun laws were enacted.

#### Plan increase crime—black market.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

Dixon expects the "fact that such guns are inaccurate and dangerous to the user will also act as a restraint to illegal gun production." [129] How much of a restraint may be open to doubt. While homemade guns will not win target- shooting contests, target shooters will have their own guns (kept at shooting ranges under the Dixon proposal), and homemade guns may suffice for robbery purposes. And most homicides, like most robberies, are perpetrated at very close range where accuracy is not an issue. The risk that a homemade gun could explode in a shooter's hand may deter some otherwise law-abiding citizens who would want to own an illegal handgun for protection. On the other hand, if the person believes that the threats to his or her life and family are serious enough to commit the serious crime of buying an illegal handgun, the additional risk posed by potentially defective handgun may seem small. In addition, newfound popularity for bootleg guns might result in handguns becoming cheaper than they are now, just as in alcohol prohibition days, bootleg gin often cost less than legal alcohol had. If handguns were cheaper, they might become more available to small-time teenage criminals and other low-end miscreants; criminals might end up more widely armed than ever before. The inevitable black market in homemade and imported illegal handguns would provide a major new revenue source to organized crime. As the black market in alcohol helped create and enrich organized crime in the United States, the new black market in handguns would fund and strengthen organized crime all the more. Dixon also acknowledges that illegal handguns would also flow in across American borders. [130] Indeed, if small handguns were imported in the same physical volume as marijuana, 20 million would enter the country annually. (Current legal demand for new handguns is about 2.5 million a year). [131]

#### Plan creates a war on guns similar to the war on drugs.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

B. War on Drugs and War on Guns Some economists argue that drug prohibition should be abandoned because no matter how much a government attempts to prohibit a commodity, the market will always produce enough of the commodity to satisfy consumer demand. [133] Swimming against the basic economic principle that the market will generate supplies of commodities to meet consumer demand, the drug prohibition laws have led to wholesale destruction of civil liberties. The War on Drugs has now become a War on the Constitution, and the American people have become, in the eyes of their government, a society of suspects. [134] If a Black person buys an airplane ticket with cash, he risks being stopped by police at the airport, and having his money confiscated. Persons who fit "drug courier profiles" may be detained and harassed by the police, although such profiles include getting off the plane early, late, or in the middle as an element of the profile. [135] Infrared sensors spy into people's homes, with no probable cause. [136] Except in the home, the Fourth Amendment's probable cause requirement has been mostly abolished by a "law and order" Supreme Court. [137] Under forfeiture laws, billions of dollars of private property have been seized from persons who have never been charged, let alone convicted of any crime. [138] Pre-trial detention, a gross contradiction \*320 of the presumption of innocence, has become routine. Citizens traveling on busses, on trains, or in private cars are liable to be pulled over and searched by police and drug-sniffed by police dogs for no reason at all. [139] Urinalysis has become a routine condition of initial or continued employment, and the medical privacy of many persons taking lawful prescription medication has been compromised as a result. [140] Stalinesque "Drug Abuse Resistance Education" programs in the schools encourage children to turn in their parents for illegal drug possession. [141] Attractive young police officers pretend to be high school students, and pester socially awkward teenagers into selling them drugs. [142] Punishment for crime has become grotesquely disproportionate to the offense, as teenagers in possession of $1,500 worth of LSD are sent to prison for longer terms than kidnappers and arsonists. [143] America has a higher imprisonment rate than any other nation in the world, and yet violent criminals serve less and less time in prison as America's rapidly expanding prison industry takes in more and more young people convicted of drug offenses. [144] The United States Army is conducting domestic law enforcement operations in California and Oregon; the National Guard has been turned into a militarized drug police. [145] Wiretapping has never been more common. [146] Financial privacy has vanished as banks must report currency transactions; car dealers must report \*321 customers who buy with cash. [147] And what has this massive loss of liberty bought? Cocaine and heroin are cheaper, purer, and more widely available than ever. [148] Marijuana use is down, and so now college students who would have quietly gotten high engage in binge drinking. [149] A magnificent legacy of civil liberties, slowly constructed over 200 years, has been squandered to attempt to prevent the American people from choosing which substances they wish to ingest. As the malignant cancer of the Drug War eats away at the Bill of Rights, Dixon proposes more of the same, by adding handguns to the government's list of prohibited items. The damage to the Bill of Rights could be greater than that resulting from the drug war. Gun controls have always been associated with intrusive searches and seizures in violation of probable cause. Judge David Shields of Chicago's firearms court observed: "Constitutional search and seizure issues are probably more regularly argued in this court than anywhere in America." [150] As early as 1933, one quarter of all weapons arrests in Detroit were dismissed because of illegal searches. [151] According to the American Civil Liberties Union, the St. Louis police have conducted over 25,000 illegal searches under the theory that any Black driving a late-model car must have a handgun. [152] The Chicago Police Department gives an officer a favorable notation in his record for confiscating a gun, even as the result of an illegal search. [153] As a practical matter, one cannot comply with the Fourth Amendment probable cause requirement and also effectively enforce a gun prohibition. Former D.C. Court of Appeals judge Malcolm Wilkey thus bemoaned the fact that the exclusionary rule, "has made unenforceable the gun control laws we now have and will make ineffective any stricter controls which may be devised." [154] Judge Abner Mikva, usually on the opposite side of the conservative Wilkey, joined him in identifying the abolition of the exclusionary rule as the only way to enforce gun control. [155] \*322 Abolishing the exclusionary rule is not the only proposal designed to facilitate searches for illegal guns. Harvard professor James Q. Wilson, the Police Foundation, and other commentators propose widespread street use of hand-held magnetometers and walk-through metal detectors to find illegal guns. [156] The Bush administration began buying magnetometers for city police departments in 1991. The city attorney of Berkeley, California, has advocated setting up "weapons checkpoints" (similar to sobriety checkpoints), where the police would search for weapons all cars passing through selected neighborhoods. [157] The Police Foundation has also proposed that law enforcement agencies use informers to ferret out illegal gun sales and model their tactics on methods of drug law enforcement. [158] Taking this advice to heart, the Bureau of Alcohol, Tobacco and Firearms already relies heavily on paid informants and on entrapment - techniques originated during alcohol prohibition, and honed in modern drug enforcement. [159] Gun control laws, already destructive of Bill of Rights liberties, will become considerably more destructive if the Dixon prohibition proposal is enacted. About a quarter of all American families own handguns. [160] A 1979 survey of Illinois gun owners indicated that 73 percent would not comply with a gun prohibition. [161] Thus, the number of new "handgun criminals" will become at least as large as number of drug criminals. Handgun criminals will be much harder to catch than drug criminals, since an illegal handgun owner need only make a one-time buy (or just hold on to what she already has), whereas persons disobeying drug and alcohol prohibitions must buy \*323 new supplies as old supplies are consumed. Accordingly, an effective prohibition would likely have to be enforced with house to house searches. The forfeiture abuses associated with the drug war could also translate easily into the handgun war, as otherwise law-abiding persons lose their homes, automobiles, and businesses because a handgun was found therein, even if the owner of the property was not the owner of the handgun, and had no knowledge about the handgun's presence. Indeed, Chicago Mayor Richard Daley has already initiated forfeiture proceedings against automobiles which contain a handgun in violation of Chicago's prohibition. [162]

#### Handgun ban forces criminals to switch to deadlier weapons—substantially increases murder rates.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

If handguns were somehow removed from the hands of malfeasants, would the death toll actually increase? Some gun misusers would switch to knives (not much less deadly than small handguns), while others would switch to rifles and shotguns (much more likely to kill than handguns). If enough misusers switched from handguns to long guns, the death toll might therefore increase, or so the "substitution argument" goes. Dixon confronts the substitution argument carefully, and provides one of the most comprehensive critiques of substitution theory ever offered by a handgun prohibitionist. \*327 Dixon is right to take the substitution argument seriously. While handgun wounds are usually survivable, especially if the victim gets medical attention quickly, shotgun blasts at close range are much more likely to be fatal. The shotgun fires a large slug, or from six to more than sixty pellets, with one trigger squeeze. A single shotgun pellet, because it may be of a diameter equal to a small handgun bullet, can inflict nearly as much damage as a small handgun bullet. [177] Wound ballistics and firearms experts concur that at short range, a shotgun is by far the deadliest weapon. [178] Anti-prohibition writers such as David Hardy, Gary Kleck, and Don Kates have argued that a high level of substitution of long guns for handguns would occur in the case of a hypothetical American handgun ban. Dixon offers a careful rebuttal of their arguments, and concludes that (since he has placed the burden of proof on prohibition opponents) the case for a substitution effect has not been proven convincingly enough to overcome what he considers the strong evidence for handgun prohibition. Overlooked in the discussion of a substitution effect resulting from a hypothetical American handgun ban is non- hypothetical evidence from other countries. As Dixon showed earlier in his article, countries with more handguns per capita tend to have more handgun homicides per capita. [179] Switzerland, which has, by world standards, relatively lenient handgun laws, has more handgun homicides per capita than countries where handgun laws are tougher. [180] From the handgun density/handgun homicide correlation in Switzerland and other nations (as well as from other evidence detailed supra), Dixon concludes that handgun density strictly correlates with handgun homicide. [181] Let us \*328 assume that Dixon is right. In countries such as Australia and Canada, where handgun laws are much stricter than in Switzerland, the handgun homicide rate is lower than in Switzerland, but the total homicide rate is over 100 percent greater. [182] The reason cannot be that Australians and Canadians are more prone to want to kill somebody than the Swiss are - Dixon has explicitly assumed that human nature in developed countries is roughly similar everywhere. [183] So why then do Canada and Australia have more murders, even though they have stricter handgun laws, and fewer handgun murders? One plausible explanation is the substitution effect. A sufficiently large number of Australians and Canadians, unable to obtain handguns, do their shooting with rifles or shotguns; their victims die, whereas if they had been shot with handguns, many would have survived. Although some Australian and Canadian assailants, unable to obtain handguns, switched to less deadly weapons (such as clubs), the number of assailants who switched to rifles and shotguns was sufficiently large to increase the overall death toll. If we have plausible evidence to suggest that a substitution effect may have occurred in Australia and Canada, could a similar effect occur in the United States? [184] \*329 Dixon quotes research developed by Don Kates and Mark Benenson that if 30% of persons attempting homicide switched from handguns to long guns, while the other 70% switched to knives, total homicide would increase substantially. If 50% switched to long guns, the homicide rate could double, even if none of the persons switching to knives killed anyone. [185] A National Institute of Justice study of felons in state prisons found that 72% of the handgun criminals said they would switch to sawed-off shotguns if handguns became unavailable. [186] A 72% substitution rate would lead to an enormous multiplication of the current homicide rate, and Kleck expects that substitution would occur at about 70%. Dixon retorts that criminals are apt to be braggarts and liars, and might claim that nothing, including a handgun ban, could stop them from committing any crime they chose. Accordingly, the 72% substitution figure might be too high. True enough. But at the same time, at least some criminals may be highly suspicious and mistrustful of authority. Although the National Institute of Justice polling, conducted through written response to written questions, offered the respondents anonymity, some of the prisoners might have believed that their responses would not in fact be anonymous; the polling might be a "setup" to discern their plans after release, and provide a reason for denying parole. Thus, some handgun criminals might have falsely said that they would not substitute sawed-off shotguns for unavailable handguns. Do the number of braggart criminals who falsely said that they would use sawed-off shotguns outnumber the number of mistrustful criminals who falsely said they would not? It is difficult to say with certainty. But since 72% of the criminals said they would substitute, and since only 30% substitution is needed to increase substantially the homicide rate, there is a wide margin for error to assume that bragging criminals outnumber suspicious ones. Dixon critiques the Benenson and Kates estimate of a homicide rate increase because Benenson and Kates assumed that handgun users who did not switch to long guns would switch "downward" to the next most deadly weapon, knives. Almost certainly, some handgun users would, rather than using knives, turn to even less deadly weapons, such as fists, or would not attempt murder in the first place, absent a handgun. [187] But when calculating expected deaths resulting from substitution, Kates and Benenson assumed that none of the persons who switched to knives would kill anyone; in terms of resulting deaths, therefore, Kates and Benenson underestimated the \*330 deaths that would be caused by murderers who switched downward to less lethal weapons. Even assuming that none of the persons who switched down killed anyone, the homicide rate would double if half of the handgun-deprived criminals switched "up" to long guns. [188] Another tack taken by Dixon is to argue that high rates of substitution are unlikely because long guns are so inferior for most criminal purposes. He notes first of all that less than 10% of murders are currently perpetrated with long guns. [189] This is true, but, as Dixon strenuously argues, handguns are widely preferred as murder weapons, and widely available. Thus, it should not be surprising that more than 6 out of 7 gun murderers chose the "best" tool, a handgun. But what people choose when the "best" option is available does not prove how they would behave if only inferior options were available. Today, virtually all hard liquor drinkers consume the "best" hard liquor available - namely legally-produced hard liquor whose production is regulated by the government to guarantee standards of safety. Probably less than 5% of American hard liquor consumers drink bathtub gin, moonshine, and other home- brewed liquors whose safety cannot be guaranteed. Does the fact prove that very few liquor drinkers would, if legal liquor became unavailable, substitute home-brewed liquor? To the contrary, the experience of alcohol prohibition showed that a large percentage of liquor consumers, if unable to obtain safe, legal liquor, will switch to inferior, dangerous homemade liquor. [190] That murderers only rarely use long guns today does not prove that murders would eschew long guns if handguns were unavailable, any more than drinkers of legal liquor would eschew bathtub gin. [191] As another argument against substitution, Dixon points out that long guns are less concealable than handguns. Even when sawed off, a shotgun is still about 11 inches long, making it slightly larger than big handguns, and much larger than the small, low-caliber handguns which are frequently used in crime. Would sawed-off shotguns frequently be substituted in a \*331 robberies? Putting an 11 inch shotgun in one's front pocket would not be very effective concealment. On the other hand, sticking the shotgun in the inner pocket of a large coat or jacket would seem reasonably effective. Accordingly, it is plausible to infer that persons who execute planned robberies would substitute concealed shotguns. At the same time, criminals who simply carried handguns with them, and spontaneously perpetrated robberies when the opportunity arose, might not be able to carry concealed shotguns so frequently. Thus, impulsive handgun robberies would suffer less of a substitution effect than would planned robberies. Since casual carrying of firearms in general might decrease, so might the shootings that result from the casual insults and provocations that can occur on the street. Hence, it is reasonable to conclude that an effective handgun ban might prevent some shootings. But again, only a 30% substitution rate would be necessary for total homicides to rise substantially. What about in the home? It is the home, after all, rather than in robberies of stores, where the larger number of handgun homicides currently occur. Dixon argues that even in the home, the concealability of handguns is important. He asserts that substantial portion of the murders in 1989 involved "friends or acquaintances who may have been unaware that the person they are visiting is carrying a concealed weapon." [192] First of all, there is no evidence as to how many of those murderers actually were carrying a concealed weapon of which the victim was unaware. For the sake of argument, assume that all of the murders would have been prevented had handguns not been available; there is still a long way to go for the substitution ratio to be reduced below 30%, and thus not cause a net increase in homicides. Next, Dixon writes that "the ease of pulling out the [hand]gun and shooting makes such arguments far more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their [sic] long gun and loaded it, the potential victim has crucial seconds in which to escape." [193] Here, Dixon assumes that the domestic handgun murderers were carrying the handgun on their body, rather than storing the handgun in another room. He likewise assumes that the substituted long gun would be stored in "another room" rather than the room in which the argument was taking place. He further assumes that the handguns used in the domestic shootings were loaded, but the substituted long guns would not be loaded. All of these assumptions may be simultaneously true some of the time, thus making Dixon's escape scenario plausible in \*332 some instances. (Although not every potential victim would know that the potential murderer was loading a long gun in the other room, and even then, some might not run away.) [194] But it is highly speculative to assume that Dixon's scenario of the unloaded long gun in the other room replacing the loaded handgun carried on the person would be the predominant scenario. Even if we speculatively assume that the unloaded long gun scenario would transpire more than 50% of the time, all that is needed for an increase in the death rate is a 30% substitution rate. While Dixon argues convincingly that substitution would not be universal, the evidence easily supports the conclusion that substitution of long guns for handguns would occur in at least 30% of current handgun murder situations, thus leading to a substantial increase in total deaths.

### Debois 15

#### Possible types of bans.

Debois 15 Danny (TOC champ) “Topic Analysis” Victory Briefs, January/February 2016 LD Brief December 10th 2015 JW

“Banned” means “to prohibit especially by legal means”12 Obviously, a ban would entail blocking future sales of handguns to civilians (though probably not banning production because handguns can still be used by the police and the military). A more interesting question, however, is what the aff will do about handguns already in distribution, and what the aff can do without being extra-topical. When Australia instituted a ban on automatic and semi-automatic rifles and shotguns, it instituted a mandatory gun buyback program. People would be obligated to turn in their guns to local authorities, and in return they’d receive a government-determined compensation.13 The question is whether such a buyback program (or some gun confiscation program without compensation) can topically considered as part of a “ban” or whether it counts as a separate program. Even if it does count as a separate program, there might still be a legitimate argument to be made for why this instance of extra-topicality is justifiable, as it is just an enforcement mechanism of a ban, and the only real way for the aff to get solvency, since otherwise, people can still use and resell the handguns they already have. Finally, if an aff is interested on a handgun ban for a particular category of people, the implementation mechanism would most likely entail expanding the “prohibited purchasers” category for the FBI’s NICS background check system for firearm background checks (though only for handguns).1⁴. More on why I think this is blatantly untopical later, though.

#### Implementation is textual.

Debois 15 Danny (TOC champ) “Topic Analysis” Victory Briefs, January/February 2016 LD Brief December 10th 2015 JW

On the last two topics, I was very receptive to the idea that the resolution was about a principled question about the nature of adolescent rights or how jurors should deal with our imperfect legal system, as opposed to a specific policy proposal. Unfortunately for the people who like to card my topic analyses instead of cutting prep against plans, I do actually think this topic does allow much more room for the aff to run plans. Given that ban generally refers to a legal prohibition, I do think the topic is referring to a state of affairs in which there are laws that seek to end private handgun use. That being said, I do not think this topic requires the aff to defend a plan (especially if they derive offense more from why the U.S. should take a principled stand against handgun ownership as opposed to policy advantages to handgun bans), but I do think this topic permits plans in a way that previous topics have not. There is one instance in which I still think generics apply to this topic. “Private ownership of handguns” seems to be a generic noun, as opposed to referring to handgun ownership for specific agents. Narrowing the topic down to just people on the FBI’s terror watch list1⁶ or domestic violence misdemeanants1⁷ adds a level of specification that means that the aff ’s offense does not prove the topic true.

#### Specifying a group of people is not textual.

Debois 15 Danny (TOC champ) “Topic Analysis” Victory Briefs, January/February 2016 LD Brief December 10th 2015 JW

On the last two topics, I was very receptive to the idea that the resolution was about a principled question about the nature of adolescent rights or how jurors should deal with our imperfect legal system, as opposed to a specific policy proposal. Unfortunately for the people who like to card my topic analyses instead of cutting prep against plans, I do actually think this topic does allow much more room for the aff to run plans. Given that ban generally refers to a legal prohibition, I do think the topic is referring to a state of affairs in which there are laws that seek to end private handgun use. That being said, I do not think this topic requires the aff to defend a plan (especially if they derive offense more from why the U.S. should take a principled stand against handgun ownership as opposed to policy advantages to handgun bans), but I do think this topic permits plans in a way that previous topics have not. There is one instance in which I still think generics apply to this topic. “Private ownership of handguns” seems to be a generic noun, as opposed to referring to handgun ownership for specific agents. Narrowing the topic down to just people on the FBI’s terror watch list1⁶ or domestic violence misdemeanants1⁷ adds a level of specification that means that the aff ’s offense does not prove the topic true. Beyond this grammatical argument, I also think the literature and current gun control movement is clear in emphasizing a distinction between two approaches to gun control. One approach (that the aff world is a part of) is essentially the “too many guns” approach—i.e. that guns by their very nature pose risks, and the only true solution to gun violence in America is to seriously and drastically reduce the rates of gun ownership. A second approach is the “keep guns away from dangerous people” approach, in which the focus is not on banning guns, but rather expanding background checks and other “commonsense” procedures aimed at keeping guns away from people who are likely to use them in problematic ways, while letting law-abiding citizens still have access to guns. This is currently the approach of Democrats and major liberal think tanks like the Center for American Progress, as it has the ability to unite liberals and moderates while making Republicans appear extreme. (For an excellent explanation of this divide in more detail, check out this Vox article: Vox. Vox, 07 Dec. 2015. Web. 08 Dec. 2015. http://www.vox.com/2015/12/7/9859802/democrats-gun-control.). Given those two branches of the gun control movement, it seems clear that a topic that involves a ban on handguns should not allow the aff to defend bans for specific people, as that is essentially just a more comprehensive background checks system. Such plans ignore and obfuscate a fundamental question of gun control literature—can we stop guns through mere regulation and expanded background checks, or are more drastic measures like full-out bans required? In short, for debaters fond of plans, there are benefits and drawbacks to this topic. While the topic clearly creates ground for plans, I think there is only really one basic plan of banning all handguns, and the only room for diversification is (potentially) location specification, specification of what it means to be a handgun, and (potentially) implementation specification (such as buyback programs).

### Sigalow 15

#### Multiple different implementation questions—you have to spec.

Sigalow 15 Martin (debate coach at Lake Highland) “Topic Analysis” Victory Briefs, January/February 2016 LD Brief December 10th 2015 JW

So the affirmative is a ban on handgun ownership. It is very rare, almost unheard of, for a government to ban the ownership of something a huge number of people already own. This is because it raises immense logistical difficulties to ban something people already have, for two reasons. First, it is much harder to know how many people own something, and which people do, than it is to know how many people purchase something. Individuals that own something may have never bought it or may have acquired it via extralegal means. Second, the mechanism or prohibiting ownership is more complex than simply making sure people can’t buy anything in the future. How can the government ensure people do not have something? Does it have to enter private residences and raid basements? Can it trust all persons to turn in their item at the nearest police station at their earliest convenience? Need the government compensate persons for their property? What is the strategy for noncompliance? For these reasons, affirmatives must be built to accommodate implementation-based difficulties. It is not feasible for the affirmative to simply assume that handguns vanish in their world. They must describe a scenario for ensuring that their ban on ownership actually decreases ownership. This is more realistic, and also gives the negative the ground they deserve!

#### Four possible actors.

Sigalow 15 Martin (debate coach at Lake Highland) “Topic Analysis” Victory Briefs, January/February 2016 LD Brief December 10th 2015 JW

Still, a government ban can come from different places. I can think of at least four that are used in debate on occasion. First, and most obviously, a legal ban can come from the legislative branch, i.e. Congress. This would take the form of a law formally passed and ratified. Second, a legal ban can come from the executive branch, in the form of an executive order. It is unclear exactly how much power presidents have to do whatever they want through legislative orders, but this could be part of it. Third, a legal ban can come from the judicial branch, which would just be the Supreme Court. This would take the form of the Court overruling a previous decision, or passing judgment on some case and using as its justification as something that affects handgun ownership. Fourth, a legal ban can come from a confluence of state and local government bans.

### DeGrazia 14

#### CP: moderate gun control

DeGrazia 14 David (Professor of Philosophy at George Washington University) “The Case for Moderate Gun Control” Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 2014 JW

I will defend considerably more gun control than currently exists. The term “gun control,” as I understand it, refers to laws and policies designed to restrict the manufacture, sale, purchase, possession, storage, transfer, or use of firearms and/or associated ammunition. For convenience, I will consider various gun control measures, defined in this way, along with related political measures. In particular, I will defend the following as additions to the minimal regulations that constitute the legal status quo: (1) universal background checks; (2) a ban on assault weapons and high-capacity magazine clips; (3) the requirement of a license for all new gun owners, contingent upon passing a rigorous safety course; (4) safe storage requirements and required safety features on all guns; (5) tracing mechanisms on all guns and a national database of gun sales and gun owners; (6) “de-crippling” of the Bureau of Alcohol, Tobacco, and Firearms (ATF); and (7) restoration of funding to the Centers for Disease Control and Prevention (CDC) to study the relationships among gun ownership, specific gun regulations, and gun violence. Although it will clearly stretch the meaning of “gun control” to include (6) and (7) under the rubric of this term, for the purposes of this paper it will be convenient to do so.

#### Logic of the CP justifies the aff.

DeGrazia 14 David (Professor of Philosophy at George Washington University) “The Case for Moderate Gun Control” Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 2014 JW

The consequentialist component of the case for moderate gun control (which will be followed by a rights-based component) focuses on the dangerousness of guns. This focus, to be sure, could support an argument for extensive gun control, even a ban on firearms or some large category of firearms such as handguns. But, as discussed earlier, the present discussion takes the right to bear arms as a point of departure. Given that starting point, the case for (at least) moderate gun control will appeal to guns’ dangerousness and to the possibility of mitigating the relevant dangers in justifying particular gun control measures. After all, dangerousness comes in degrees. If a society has to accept certain things that are inherently dangerous—whether guns, automobiles, or tackle football—it makes sense to try to make them less dangerous within the constraints of respecting people’s rights.

#### CP reduces gun violence.

DeGrazia 14 David (Professor of Philosophy at George Washington University) “The Case for Moderate Gun Control” Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 2014 JW

Universal background checks.20 The purpose of this measure is to ensure that people who ought to be ineligible to buy guns—including felons, fugitives from justice, and the seriously mentally ill—cannot purchase them from friends, associates, or non-licensed dealers at gun shows or online. Successful exclusion of these individuals from gun purchases obviously promotes safety in exactly the same way that currently mandatory background checks (for sales by licensed dealers) do. Like most of the other measures proposed here, this one would be prospective—applying only to transactions that take place after passage of the relevant law. There would be no practical way of trying to enforce background checks on sales made prior to that time. Ban on assault weapons and high-capacity magazine clips. These weapons and this ammunition are extremely dangerous and unnecessary for the legitimate purposes of household defense and hunting. They have enabled some of the worst rampages in recent American history. The purpose of the ban is to reduce the chances of massacres such as those that took place at Columbine High School, the Aurora, Colorado, movie theatre, and the Newtown, Connecticut, elementary school. This ban, too, should be prospective—although it could be coupled with a voluntary buy-back program of assault weapons and high-capacity clips in circulation. Because such a buy-back program would be voluntary, it could not be accused of restricting anyone’s liberty, much less of violating anyone’s rights. Requirement of a license for all new gun owners, contingent upon passing a rigorous safety course. The United States has long required prospective drivers to obtain a license before being permitted to drive an automobile. Obtaining the license is contingent upon passing a driving test and a written test, after considerable hours of practice, where the tests are designed to assess basic competence. Although prospective drivers are inconvenienced by these requirements, everyone is safer because of them. In a similar way, everyone would be safer if prospective gun owners had to take a course and pass a test designed to assess basic competence with the storage and use of firearms.21 The right to bear arms is not a right to do so without restrictions, and this particular restriction is reasonably related to household and public safety. This measure, too, would be prospective, applying only to those who purchase guns after the new law was in effect. As far as I can see, there would be no reason not to apply the requirement to individuals who had obtained guns prior to the law’s passage but wish to purchase more guns after that time. The purpose of the regulation would be to reduce the chances of accidental killings and injuries. Safe storage requirements and required safety features (e.g., child-proof locks) on all guns. The purpose of these closely related requirements, which can remain vague for the purposes of this paper, is to reduce the chances that a child will be able to commandeer and fire a gun. The storage requirements would be both prospective and retrospective in that they would apply to all guns no matter when they were purchased. The required safety features would apply only to guns manufactured after a legally determined date. Effective tracing mechanisms on all guns and a national database of gun sales and gun owners. The purpose of these measures is to facilitate law enforcement and thereby public safety. This includes the fighting of illegal traffic in firearms and the prosecution of those who fail to conduct, or ignore the results of, background checks. Tracing mechanisms—preferably less easily expunged than ordinary serial numbers—would be required of all guns manufactured in the United States after a specified date; after a possibly later date, all guns bought or sold in the US (even if manufactured in another country) would have to have this feature. All new gun owners, following passage of the relevant law, must be registered in a national database, a measure that should be relatively easy to implement given the universal licensing requirement. “Decrippling” of ATF. The NRA-sponsored budgetary and leadership crippling of the ATF (Horwitz and Grimaldi 2010; Higham et al. 2012; O’Keefe and Rucker 2013) should be reversed so that the bureau can have adequate staff and resources to do its job.22 The ATF should be freed of NRA-sponsored restrictions that have interfered unreasonably with law enforcement. For example, the law that prevents information about guns found at crime scenes from being made publicly available should be reversed. If, for example, drug lords or Mafiosi have been illegally obtaining and using guns obtained from a particular dealer in Ohio or Texas, it should be possible for both ATF officials and the public to learn about the pattern. ATF inspectors should not be restricted to one visit to gun dealers per year and should not bear an unreasonable burden of proof to revoke licenses. The purpose of these changes would be to strengthen law enforcement and thereby promote public safety. Restoration of funding to the CDC to study the relationships among gun ownership, specific gun regulations, and gun violence. Consider this remarkably direct statement about the NRA’s impact on the CDC through a co-opted Congressman: From 1986 to 1996, [the CDC] sponsored high-quality, peer-reviewed research into the underlying causes of gun violence. People who kept guns in their homes did not—despite their hopes—gain protection. . . . Instead, residents in homes with a gun faced a 2.7-fold greater risk of homicide and a 4.8-fold greater risk of suicide. The National Rifle Association moved to suppress the dissemination of these results and to block funding of future government research into the causes of firearm injuries. One of us served as the NRA’s point person in Congress and submitted an amendment to an appropriations bill that removed $2.6 million from the CDC’s budget, the amount the agency’s injury center had spent on firearmsrelated research the previous year. (Dickey and Rosenberg 2012) The purpose of the present measure would be to enhance public understanding of gun ownership, its risks, the effects of particular gun regulations, and the advantages of taking safety requirements and other appropriate regulations seriously.

#### Suicide is often compulsive and non-autonomous—gun control solves.

DeGrazia 14 David (Professor of Philosophy at George Washington University) “The Case for Moderate Gun Control” Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 2014 JW

First, even if we acknowledge a right to commit suicide, from any reasonable perspective the vast majority of suicides must be regarded as tragic. It is not very often that we carefully reflect upon the circumstances of someone who committed a suicide and think, “Yes, suicide was the very best option for that individual.” Sometimes we may, but not very often—especially when the victim of suicide is a child, a mentally ill person, or someone who acts impulsively. Often those who commit suicide are unaware of, or are momentarily unable to appreciate, the prospects for their lives going better. In a very real sense, then, many people who feel a desire to commit suicide do need protection against themselves. Relatedly, if there is a right to commit suicide, it is plausibly limited to suicidal choices that are genuinely autonomous—choices, that is, that are carried out voluntarily (not primarily driven by external pressures or internal compulsions) with an adequate understanding of one’s realistic options (including those involving available forms of help), and with the psychological capacity to appreciate those options (as opposed to devaluing them due to the distorting effects of depression). An autonomous choice will accord with one’s values and stable preferences. Some suicides committed with the help of a physician meet these criteria; no doubt some suicides committed without such help do as well. But, of course, one doesn’t need a gun to commit suicide autonomously. And the presence of guns makes it more likely that one will kill oneself impulsively and non-autonomously. Thus, a right to commit suicide, plausibly construed, will not undermine the thesis that gun ownership for the purpose of self-defense is, on average, self-defeating.

#### CDC is underfunded in the squo-they do awesome research about the effects of gun regulation.

DeGrazia 14 David (Professor of Philosophy at George Washington University) “The Case for Moderate Gun Control” Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 2014 JW

[Brackets in original] Restoration of funding to the CDC to study the relationships among gun ownership, specific gun regulations, and gun violence. Consider this remarkably direct statement about the NRA’s impact on the CDC through a co-opted Congressman: From 1986 to 1996, [the CDC] sponsored high-quality, peer-reviewed research into the underlying causes of gun violence. People who kept guns in their homes did not—despite their hopes—gain protection. . . . Instead, residents in homes with a gun faced a 2.7-fold greater risk of homicide and a 4.8-fold greater risk of suicide. The National Rifle Association moved to suppress the dissemination of these results and to block funding of future government research into the causes of firearm injuries. One of us served as the NRA’s point person in Congress and submitted an amendment to an appropriations bill that removed $2.6 million from the CDC’s budget, the amount the agency’s injury center had spent on firearmsrelated research the previous year. (Dickey and Rosenberg 2012) The purpose of the present measure would be to enhance public understanding of gun ownership, its risks, the effects of particular gun regulations, and the advantages of taking safety requirements and other appropriate regulations seriously.

### Bernstein 15

#### Best evidence proves—guns decrease crime.

Bernstein 15 C'Zar (Oriel College, Oxford University) “Gun Violence Agnosticism” Essays in Philosophy Volume 16 Issue 2 Philosophy & Gun Control Article 6 July 7th 2015 JW

It is very clear that the evidence does not support CIH [crime-increasing hypothesis]. Of the 90 findings generated by the 41 studies reviewed, only 26 (~29%) support CIH, whereas 64 (~71%) found against CIH. None of the findings of studies for which more than one of (1) – (3) are true supported CIH. The same trend holds with respect to [homicide-increasing hypothesis] HIH. Only 36% of studies for which (1) is true support HIH compared to 62% of studies for which (1) is false. Of the studies for which (3) is false, 57% support HIH; no studies for which (3) is true found in favour of HIH. Of the studies for which (2) is false, that is, of the studies that controlled for fewer than five significant control variables, 59% found in favour of HIH. This drops to just 17% for studies that controlled for more than five significant control variables. Remarkably, 14 of the 41 studies reviewed by Kleck did not control for a single confounder and these were the studies that were most likely to find in favour of CIH and HIH. Importantly, only six studies controlled for more than five statistically significant control variables and all of them failed to support CIH and 83% found against HIH (they found either that there is no discernible effect or a slight crime-decreasing effect). Finally, there were only three studies for which all of (1) – (3) are true and none of them supported CIH or HIH. On the contrary, Kovandzic et al. (2013), who controlled for ten confounding variables, found that increases in noncriminal gun prevalence would moderately decrease both gun and total homicide rates. Of the studies for which all of (1) – (3) are false (23 of the 41 reviewed), 65% found in favour of HIH.ii Kleck concludes: ‘The overall pattern is very clear—the more methodologically adequate research is, the less likely it is to support the more guns-more crime hypothesis.’ Kleck’s conclusion, if correct, strongly supports GVA.

### Miller et al 13

#### Handgun ownership results in increased risk of suicide.

Miller et al 13 Matthew Miller (Department of Health Policy and Management, Harvard School of Public Health), Catherine Barber, Richard A. White, and Deborah Azrael “Firearms and Suicide in the United States: Is Risk Independent of Underlying Suicidal Behavior?” American Journal of Epidemiology Vol. 178, No. 6 August 23, 2013 <http://www.ncbi.nlm.nih.gov/pubmed/23975641> JW

On an average day in the United States, more than 100 Americans die by suicide; half of these suicides involve the use of firearms (1). Suicide rates, both overall and by firearms, are higher, in general, in places where household firearm ownership is more common. By contrast, rates of suicide by methods other than firearms are not significantly correlated with rates of household firearm ownership (2, 3). This pattern of higher suicide rates in places where firearms are more readily available, driven by higher firearm suicide rates, has been reported in ecological studies that have adjusted for several potential confounders, including aggregate measures of psychological distress, degree of urbanization, alcohol and illicit drug use and abuse, poverty, education, and unemployment (2–6). Household firearm ownership has also consistently been found to be a strong predictor of suicide risk in studies that use individual level data. Every US case-control study, for example, has found that the presence of a gun in the home is a risk factor for suicide (7–20). In addition, the only large US cohort study to examine the firearm-suicide connection found that suicide rates among California residents who purchased handguns from licensed dealers were more than twice as likely to die by suicide as were age- and sex-matched members of the general population, not only immediately after the purchase, but throughout the 6-year study period (21). Here too, the increase in suicide risk was attributable entirely to an excess risk of suicide with firearms (21). The following observations further support the plausibility that the association between firearms and suicide is real: 1) the association is robust to adjustment for measures of psychopathology (7–16), 2) the risk extends beyond the gun owner to all household members (14, 15, 21) and persists for years after firearms are purchased (14, 15, 21), 3) the rates of psychiatric illness and psychosocial distress are similar among households with firearms versus those without firearms (15, 22–25), and 4) ecological studies of the firearm-suicide relationship, which are not subject to recall bias or to reverse causation, yield associations similar to those observed in individual-level studies. Nevertheless, the idea that the availability of firearms plays an important role in determining a person’s suicide risk and a population’s suicide rate continues to meet with skepticism, the most decisive objection being that empirical studies to date have not adequately controlled for the possibility that members of households with firearms are inherently more suicidal than members of households without firearms (26).

#### Reducing firearms causes large reductions in suicide.

Miller et al 13 Matthew Miller (Department of Health Policy and Management, Harvard School of Public Health), Catherine Barber, Richard A. White, and Deborah Azrael “Firearms and Suicide in the United States: Is Risk Independent of Underlying Suicidal Behavior?” American Journal of Epidemiology Vol. 178, No. 6 August 23, 2013 <http://www.ncbi.nlm.nih.gov/pubmed/23975641> JW

In the United States, where firearms are the method used in more than 50% of all suicides and where roughly 1 in 3 homes contains firearms, even small relative declines in the use of firearms in suicide acts could result in large reductions in the number of suicides, depending on what, if any, method would be substituted for firearms. Consider, for example, the fact that more than 90% of all suicidal acts with firearms are fatal, but suicidal acts with firearms constitute only 5% of all deliberate self-harm episodes. In contrast, fewer than 3% of all suicidal acts with drugs or cutting are fatal but, as a group, such acts constitute approximately 90% of all attempts (33, 34). If even 1 in 10 of the approximately 22,000 persons who attempted suicide with firearms in 2010 (the 19,932 who died and the approximately 2,000 who survived) substituted drugs or cutting, there would have been approximately 1,900 fewer suicide deaths. The potential for substantial reduction in suicide rates is apparent in our comparison of suicides in high– versus low–gun ownership states, where suicide attempt rates are similar, but the rate of suicide is twice as high in high– gun ownership states (with differences in mortality attributable entirely to differences in suicide by firearms), with a net excess of approximately 6,000 suicides in high–gun ownership states over a 2-year period.

### Dixon 93

#### Handguns are the weapon of choice for violent criminals.

Dixon 93 Nicholas (Associate Professor of Philosophy, Alma College) “WHY WE SHOULD BAN HANDGUNS IN THE UNITED STATES” 12 St. Louis U. Pub. L. Rev. 243 1993 JW

I have focused on a handgun ban primarily because handguns are the weapon of choice of violent criminals. In 1990 handguns were used in 77.2% of murders involving firearms and 49.5% of all murders in the United States. More recent figures are not available, but in 1967 96% of firearms used in robberies and 86% of those used in aggravated assaults were handguns.5 These numbers are almost certainly attributable to their relative cheapness, their small size (and hence greater concealability), and the fact that they are easy to use. At the same time, long guns (shot guns and rifles) are used more than handguns in recreational pursuits, which, ceteris paribus, it would be desirable to allow to go unhindered. Consequently, and in view of their minimal criminal use, I see no pressing need for a ban on long guns. Because of the high percentage of violent crimes that are committed with handguns, and because they are uniquely suited to such use, a handgun ban will result in a reduction in overall rates of violent crime.6

#### No link to recreation DA-you don’t need to own the gun.

Dixon 93 Nicholas (Associate Professor of Philosophy, Alma College) “WHY WE SHOULD BAN HANDGUNS IN THE UNITED STATES” 12 St. Louis U. Pub. L. Rev. 243 1993 JW

Many recreational uses of handguns are compatible with a ban on private ownership. For instance, target shooting can still be enjoyed at licensed facilities. Shooters would be allowed to own or rent handguns that would be permanently stored at the shooting ranges.7

#### CP: in the United States, private ownership of handguns ought to be banned EXCEPT for private security guards. This should be a legit exception, reduces violence.

Dixon 93 Nicholas (Associate Professor of Philosophy, Alma College) “WHY WE SHOULD BAN HANDGUNS IN THE UNITED STATES” 12 St. Louis U. Pub. L. Rev. 243 1993 JW

Private security guards would be allowed to use handguns while on duty and keep them at home, safely locked and unloaded. The justification for distinguishing between ordinary citizens and private security guards is again the nature of their work. Security guards are entrusted with the protection of large amounts of cash or other valuables, and by virtue of their uniforms and their place of work, they are visible targets for attack. Consequently, they need to be at least as well armed as potential attackers. A further distinction between ordinary citizens and private security guards is the training that the guards would undergo. Furthermore, private security companies would have to be licensed, and a condition of such licenses would be precisely that they give adequate training to their employees.

#### Weapon substitution doesn’t matter—other weapons are less lethal.

Dixon 93 Nicholas (Associate Professor of Philosophy, Alma College) “WHY WE SHOULD BAN HANDGUNS IN THE UNITED STATES” 12 St. Louis U. Pub. L. Rev. 243 1993 JW

Let us suppose that robbers turn to knives, clubs, other instruments, and their hands and feet to threaten and perhaps injure their victims. This is exactly what gun control advocates want, since these weapons are far less lethal than handguns.88 While it is true that stabbings and beatings are horribly lethal in their own right, a crucial difference is that running away will at least sometimes be an option for the victim, whereas this tactic will be of little use in the face of a loaded gun. A reduction in robberies and in their degree of violence is a likely result of such a substitution.

#### A2 Substitution

Dixon 93 Nicholas (Associate Professor of Philosophy, Alma College) “WHY WE SHOULD BAN HANDGUNS IN THE UNITED STATES” 12 St. Louis U. Pub. L. Rev. 243 1993 JW

Let us suppose that robbers turn to knives, clubs, other instruments, and their hands and feet to threaten and perhaps injure their victims. This is exactly what gun control advocates want, since these weapons are far less lethal than handguns.88 While it is true that stabbings and beatings are horribly lethal in their own right, a crucial difference is that running away will at least sometimes be an option for the victim, whereas this tactic will be of little use in the face of a loaded gun. A reduction in robberies and in their degree of violence is a likely result of such a substitution. Hardy and Kates deny this conclusion. The destructive power of handguns makes them particularly effective in intimidating robbery victims into handing over their belongings or cash. As a result, robbers with guns only use their weapons to injure their victims in 17% of robberies, and can usually rely on threats alone. In contrast, robbers with knives injure 32% of their victims, and those using clubs and other weapons injure fifty-three percent of their victims." In the case of blunt instruments, a blow is sometimes used to initiate the crime. Another likely consequence of the substitution of non-firearm weapons is, ironically, that there will be more robberies and hence more attendant violence. This follows for the simple reason that handgun robberies are the most efficient. In order to reap the same profits using other weapons, several robberies will be needed.9' If gun control leads to an increase in number of robberies and injuries, one of its main purposes is clearly defeated. However, it is strange logic indeed that would welcome the use of more lethal weapons on the ground that they will reduce the incidence and violence of robberies. This view leads to absurd consequences. If the reduction of the number of robberies is regarded as the summum bonum, then we should distribute not just handguns but assault-style automatic weapons to criminals, who will be able to use them to become rich by means of rare, but highly efficient and relatively bloodless heists. Opponents of a handgun ban are on firmer ground when they discuss the danger that robbers, assaulters, and other criminals will "upgrade" to long guns in the event of a ban on handguns. According to Kates and Benenson, "at a minimum, a shot fired from a long gun is four times as likely to kill as one fired from a handgun."'" Widespread substitution of long guns for handguns in the commission of crimes would dramatically increase the number of homicides and violent crimes. They calculate that if only 30% of those who attempt homicide were to switch from handguns to long guns, while the other 70% "downgrade" to knives, there would still be a "substantial increase" in homicide. If the ratio were instead 50:50, the number of homicides would double, even if none of those who used knives succeeded in killing their victims.' Kleck asserts that an even higher substitution rate is likely. He quotes a survey by Wright and Rossi, in which prisoners who had committed several crimes with guns were asked whether they would carry a sawed-off shotgun (which would be much easier to conceal than a regular shotgun) if they were denied access to handguns. Seventy-two percent said they would, and Kleck feels justified in concluding that such a rate of long gun substitution would in fact occur.93 One has to doubt the reliability of the statements of prisoners as to what firearms they would carry in certain circumstances. Macho bragging and outright lying are very likely in such situations, and relegate Kleck's projections to the status of unsupported conjecture. In view of the fact that such a small percentage of the actual murders in the United States in 1990 were committed with long guns,' the burden on Kleck to prove his hypothetical speculation is even heavier. As for Kates and Benenson, their projections are based on the unsupported assertion that the 70% of handgun killers who do not turn to long guns would instead use knives, the most lethal weapon other than firearms. It is more probable that at least some potential murderers would turn to less lethal weapons or their bare hands, and that some would be deterred from assaults altogether. Since Kates and Benenson ignore these probable scenarios, and since their substitution predictions are in any case purely speculative, it is safe to conclude that their estimate of the increase in the homicide rate in the event of a handgun-only ban is inflated. The conjectures offered in support of the substitution hypothesis are inadequate and fail to meet the burden of proof encumbent on opponents of my proposal. Another reason to doubt that long guns would be used in great numbers to replace handguns in robberies, assaults, and homicides is that long guns are obviously much more difficult to conceal. A potential mugger roaming the streets wielding a long gun will cause everyone in sight to flee, and is likely to be quickly arrested when alarmed people call the police. Similarly, a bank robber carrying a long gun will be immediately detected by security guards, alarm systems will be triggered, and the chances of a successful robbery greatly diminished. Handguns are obviously much more convenient for the commission of such crimes. Kates and Benenson point out that most homicides occur in the home, where concealability is "irrelevant." 95 However, concealability would seem to be an important factor even in the home. Since the victim may well be unaware that the killer is carrying a concealed weapon, the "surprise factor" which is peculiar to handguns can still apply even in the home. In contrast, people can hardly be unaware that the person they are with is carrying a shotgun or rifle. Moreover, in any argument or domestic quarrel, regardless of whether the potential victim knows that the assaulter is carrying a handgun, the ease of pulling out the gun and shooting makes such arguments more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their long gun and loaded it, the potential victim has crucial seconds in which to escape. Another reason that the concealability of handguns is not a good reason for a handgun-only ban is proposed by Hardy and Kates in their discussion of the impact of handgun control on robberies. They point out that "[t]he difference between a long gun and a handgun is ten minutes and a hacksaw."' Even robberies, then, would not be diminished by a handgun ban. However, this contention runs directly counter to the evidence collected by the Bureau of Alcohol, Tobacco and Firearms' Project Identification. Seventy-one percent, or 7,538, of the handguns submitted for tracing, had a barrel length of 3 inches or less. Sixty-one percent, or 6,476, had a caliber of .32 or less. Since both of these factors relate to the size of the weapon, these figures indicate that concealability is an overriding factor in selecting a handgun for use in crime. 7 Sawed-off shotguns will be much longer and much bulkier than any of these short and small-caliber handguns, especially "Saturday Night Specials," which combine a caliber of .32 or less with a barrel length of three inches or less, comprised 44% of all the weapons successfully traced, and fit into the palm of an average sized hand. We may conclude, then, that because of the difficulty of concealment, neither long guns nor sawed-off versions of the same are likely to be used in great numbers to replace handguns in the commission of crimes. The difficulty of concealment factor will outweigh the greater lethalness of long gun shots. Consequently, a ban on handguns will indeed result in a decrease in firearms-related homicide and other violent crimes. Since firearms are the most lethal weapons, and they were used in 64.1% of homicides in the United States in 1990,98 such a ban is, therefore, likely to result in a reduction in the overall murder rate.'

### McMaken 15

#### Gun ownership is inversely correlated to gun deaths-empirically disproves their solvency.

McMaken 15 Ryan “Gun Sales Boom...Homicides Tank” October 28th 2015 Ron Paul Liberty Report <http://www.ronpaullibertyreport.com/archives/gun-sales-boomhomicides-tank> JW

The Pew Research Center reported last week that the murder rate was cut nearly in half from 7 per 100,000 in 1993 to 3.6 per 100,000 in 2013. Over the same period, overall gun deaths (including accidents and suicides) have fallen by one-third from 15.2 to 10.6 per 100,000. In spite of this, Pew reports, the American public believes that homicides and gun deaths are increasing in the United States. Those who think violence is getting worse should probably watch less television and look around them instead. The murder rate in the US is currently similar to 1950s levels. Meanwhile, the number of privately owned guns (and gun commerce in general) in the United States has increased substantially in recent decades.

### Andersen 15

#### Culture of violence is the root cause of gun violence.

Andersen 15 Mark (Member National Writers Union) “The devil's right hand” Daily Kos December 27th 2015 <http://www.dailykos.com/blog/Shut%20Down%20the%20NRA%20and%20Amend%20the%20Second%20Amendment> JW

This is our culture in America today. Disputes are settled with firearms in crowded public spaces. Some reading this will attribute this incident to the young men. Others will blame the weapon used, a few will implicate the race of the young men, and some will just chalk it up to violent gang culture. The root of this problem has nothing do with those young men, the weapon, their race, or the gang culture. It has to do with our culture as a whole: Watch any movie or TV show today and you will invariably see someone solving a problem with a gun. When was the last time you saw a character on TV like Sheriff Andy Taylor (played by Andy Griffith), who said, “When a man carries a gun all the time, the respect he thinks he's gettin' might really be fear. So I don't carry a gun because I don't want the people of Mayberry to fear a gun. I'd rather they would respect me.” The young man who pulled out and fired his weapon in a crowded mall probably thought he was being disrespected. So he pulled out the one item that he thought would get him the respect he deserved. But a firearm will not earn you respect. Just as the fictional Sheriff Taylor said so many years ago: He would rather people respect him, instead of fear him. Sadly, people have forgotten that simple lesson that was taught so many years ago. Recently Wisconsin State Assembly Member Melissa Sargent penned an opinion piece for the local newspaper discussing how we need to change the gun culture in America. This paragraph makes it quite clear than she is not out to take away guns. It is time that we stop discussing guns in America as simply a two-sided coin: unlimited guns versus no guns whatsoever. This is not, nor ever will be, a reality here. My family owns guns. Many of my friends and neighbors are responsible gun owners and hunters. I believe that the Second Amendment affords them this right. Despite this, no right is unlimited and immune from reasonable regulation for public safety. With each right, there must be a corresponding sense of civic obligation. She is right. With each right, there must be a corresponding sense of civic obligation. Sadly, an anonymous reader decided to use her reasoned response to unreasonable violence in our society as an opportunity to wish her harm: That is not a way to have a reasoned discussion about an obvious problem in our society, something that is quite unique to the United States. This is a cultural issue, and Sargent addresses the issue in her opinion piece. This person hiding behind the name “Things Anti-Gun Liberals Say” is a coward. He or she (most likely he) does not want to wish violence on anyone—then does. Intimidation will not win anyone over to your side of an argument, and intimidation will not garner you any respect. That’s what this whole shooting this past week was about: The young man who fired off a round or two in a crowded mall was doing the same thing as the commenter on Sargent’s opinion piece. They both are trying to intimidate. They both think a gun will get them respect, and that a gun will protect them. They are both wrong. On the Monday after the shooting, Republican State Assemblyman Bob Gannon said: "Wisconsin does not have a death penalty law, but with significant practice and careful aim, law abiding citizens can help clean our society of these scum bags. Criminals no longer have any fear of our courts or our prisons, so it’s time that the citizens of this fine state stand up and fight back." That’s not the approach we need to take to combat gun violence. That kind of tough talk is nothing but hollow rhetoric and delusions of grandeur. An extra gun or two in the mall on that fateful Saturday would only have added to the carnage. Gannon is just another fool who thinks the world’s problems can be solved with gun barrel diplomacy. Was this shooting gang related? While it’s likely, there has been no official word that it was. If it was, a better way to prevent this from happening in the future is providing funding to prevent young men from joining gangs in the first place. Giving them opportunities and hope for the future could break the cycle of poverty. Killing someone—becoming the judge, jury, and executioner—is not, and should never be the American way. This brings to mind a song by Steve Earle about firearms, called the Devil’s Right Hand: Got into a card game in a company town I caught a miner cheating, I shot the dog down I shot the dog down, I watched the man fall He never touched his holster, never had a chance to draw The trial was in the morning and they drug me out of bed Asked me how I pleaded, not guilty I said Not guilty I said, you've got the wrong man Nothing touched the trigger but the devil's right hand The devil's right hand, the devil's right hand Mama says the pistol is the devil's right hand A firearm is more likely to get you into trouble than out of it. Madison, Wisconsin, was very lucky this past Saturday that only one person was injured. Lucky that no one else was shot, that no one was trampled in the panic to get out of the mall. Lives have likely been irreparably changed. Not just for the young man who pulled the trigger, and the young man who was shot: Everyone who was in that mall that day has had a life-changing experience. Let’s say it again: No one wants to take anyone’s goddamn guns. But we need to have a conversation about how to change our culture so a gun is no longer seen as a way to solve our problems, and how to keep guns from falling into the hands of those who should not have them. More guns on the street are not the answer. We need to fix this problem. It’s not a liberal thing or a conservative thing: This is an American problem, and we need to work together to fix it and end the violence.

### Horwitz 13

#### Empirics prove-universal background checks reduce gun violence.

Horwitz 13 Joshua (Executive Director of the Coalition to Stop Gun Violence) “It's Easy to Understand: Background Checks Save Lives” US News April 9th 2013 <http://www.usnews.com/debate-club/should-congress-support-universal-background-checks-for-gun-purchases/its-easy-to-understand-background-checks-save-lives> JW

It is patently clear that background checks save lives. Background checks conducted by federally licensed firearms dealers (FFLs) have prevented more than two million prohibited purchasers—convicted felons, wife beaters, and other dangerous individuals—from buying guns. Additionally, studies show that in the 14 states that currently require background checks for handgun sales, there are 49 percent fewer gun suicides, 38percent fewer women are shot to death by an intimate partner and the firearms trafficking rate is 48percent lower.

### Scholl 15

#### Gun control is ableist.

Scholl 15 T.J. Scholl (senior student of English literature and gender studies at Sewanee: The University of the South in Eastern Tennessee) “Obama’s Gun Control Ableism” July 26th, 2015 Center for a Stateless Society <https://c4ss.org/content/39123> JW

President Obama’s recent gun control efforts exemplify the ableism and general discrimination inherent in progressive paternalism. In his latest attempt at gun control, Obama seeks to bar individuals who collect Social Security benefits and whose resources are overseen by “representative payees” due to “marked subnormal intelligence, or mental illness, incompetence, condition, or disease” from owning or purchasing a firearm. Under the terms of the proposal, the Social Security Administration would be required to report the identities of four million plus disabled and neurodivergent individuals to the National Instant Criminal Background Check System (NICS). This is the same system that identifies and prevents sales of weapons to members of a number of other marginalized groups, including undocumented immigrants, felons, and known drug users. The mistreatment of differently abled and neurodivergent individuals by the state is an insufferable fact of life in America, a nation where over fifteen percent of all incarcerated people suffer from a severe mental illness. Attempts to further smother the already oppressed are always high on the priority list of do-gooder bureaucrats who see anyone with even a hint of a problem as a potential client. While it is indeed critical that society offers support to those in need of physical, mental, and emotional assistance, bodily autonomy and independent agency are of paramount importance. Freedom does not exist without those elements. Involuntary institutionalization and other forms of coercive psychology are all too common in our neoliberal welfare state. Criminalizing firearm possession for anyone who fails to meet the federal government’s arbitrary definition of “competency” forces millions of already vulnerable individuals to rely on third parties for protection, further stripping them of their independence. It seems to be the state’s goal that it never be rendered irrelevant. And that is precisely why the anarchist supports illegal ownership of firearms, outside the purview of the state, where individuals feel it necessary. The same government that has systematically imprisoned, maimed, murdered, and labeled deviant for two centuries those who don’t fit snuggly into the box of societal acceptability is now demanding that its victims sit back and accept its “benevolence.” Your right to self-defense be damned. We simply cannot have “crazies” running around with guns, they say. It may lead to innocent people being injured or killed. Gun control, especially this variety of it, is intrinsically ableist. It privileges neurotypicality by preventing neurodivergent individuals from acquiring the means to practically and effectively defend themselves. Given that rights do not exist in a vacuum, the right to defend oneself is meaningless when those in power make it illegal to both obtain and keep the only tools realistically useful in exercising that right. Not only would this measure strip millions of marginalized individuals of their ability to defend themselves, it would inevitably lead to an uptick in the imprisonment and institutionalization of the very people whom the state claims deserve protection. As radical social critics have pointed out, gun control laws naturally target disenfranchised groups and contribute to the perpetuation of a vicious cycle of poverty. No matter how much lip service Obama pays to criminal justice reform, his dedication to gun-grabbing reveals that he has no intention of putting an end to mass incarceration and marginalization. Regardless of what the statist left may assert, neurodivergent individuals and other stigmatized groups having access to firearms is not the problem; government- mandated abelism is.

### PGV 13

#### Training requirements and safe storage reduce gun violence-empirics.

PGV 13 Law Center to Prevent Gun Violence “Licensing Gun Owners & Purchasers Policy Summary” August 23rd 2013 <http://smartgunlaws.org/licensing-of-gun-owners-purchasers-policy-summary/> JW

Training and testing requirements in licensing laws are designed to ensure that gun owners understand relevant firearms laws, and know how to safely store and handle firearms. Proper storage and handling of firearms help reduce the shocking number of unintentional shootings, firearms thefts, and incidents in which unauthorized persons, such as children and criminals, gain access to firearms every year. For statistics regarding these problems, see our summary on Safe Storage & Gun Locks. Licensing laws also help prevent the trafficking of crime guns, and make it more difficult for criminals, juveniles and other prohibited purchasers to obtain guns. A September 2010 report by Mayors Against Illegal Guns found that states that require purchase permits for all handgun sales are the sources of guns recovered from crimes in other states at less than one-third the rate of states that do not have such laws.1 A 2001 study analyzing firearm tracing data from 25 U.S. cities revealed that states with some form of both registration and licensing systems have greater success keeping firearms initially sold by dealers in the state from being recovered in crimes than states without such systems in place.2 In 2007, Missouri repealed its [permit] requirement that handgun purchasers obtain a permit after a background check. Since that repeal: The share of crime guns recovered in Missouri that were originally purchased in-state has grown by 25%; A key indicator of crime gun trafficking – the share of guns that were recovered at crime scenes within two years of their original sale – has doubled; and The crime gun murder rate in the state has risen nearly 25%.3

### Rosenwald 13

#### Gun control is un-enforcable-3D guns.

Rosenwald 13 Michael S. (reporter) “Weapons made with 3-D printers could test gun-control efforts” February 18th 2013 The Washington Post <https://www.washingtonpost.com/local/weapons-made-with-3-d-printers-could-test-gun-control-efforts/2013/02/18/9ad8b45e-779b-11e2-95e4-6148e45d7adb_story.html?hpid=z1> JW

[Brackets in original] Three-dimensional printers offer a potentially easy way around restrictions and registrations — a source of growing consternation among gun-control advocates and some allies in Congress. “There’s really no one controlling what you do in your own home,” Lerol said. Though printing guns is a craft still in its infancy — Lerol hasn’t tested his parts yet at a gun range — technology experts, gun rights proponents and gun safety advocates say the specter of printable firearms and ammunition magazines poses a challenge for Obama and lawmakers as they craft sweeping gun-control legislation. One controversial idea, pushed by Sen. Dianne Feinstein (D-Calif.), is to outlaw high-capacity magazines. But some proponents of 3-D printed guns have already made high-grade plastic replicas. “Obviously, that has to be one of her nightmares,” said Larry Pratt, executive director of Gun Owners of America, a lobbying group opposed to additional restrictions. “If her ban was to pass and this technology moves beyond its infancy, Dianne Feinstein is going to have a bit of a challenge.” Feinstein’s proposed legislation, which would also ban AR-15s, restricts manufacturing of such items by anyone in the country, said a spokesman for the senator. But 3D-printing experts say that logic is dated and misses the point of the technology. Making guns for personal use has been legal for decades, but doing so has required machining know-how and a variety of parts. With 3-D printers, users download blueprints from the Internet, feed them into the machine, wait several hours and voila. “Restrictions are difficult to enforce in a world where anybody can make anything,” said Hod Lipson, a 3-D printing expert at Cornell University and co-author of the new book, “Fabricated: The New World of 3D Printing.” “Talking about old-fashioned control will be very ineffective.” It is unclear how many people are trying to print their own gun parts and magazines. But Cody Wilson, a University of Texas law student who is leading the ideological and technical campaign for 3-D printed guns through an organization called Defense Distributed, said blueprints have been downloaded hundreds of thousands of times from his group’s Web site. “People all over the world are downloading this stuff all the time — way more people than actually have 3-D printers,” he said. “This is hot stuff on the Internet now.” Wilson and a friend founded Defense Distributed last February while looking for a “post-political” project to challenge governmental scrutiny and regulations. He speaks of “prohibitionist regimes” and anarchistic urges and challenging “democratic control.” Though he shot guns as a Boy Scout, Wilson doesn’t consider himself a gun person. He doesn’t consider himself a tech geek either. His motivations, he said, are ideological and go way beyond the Second Amendment. “This is a symbolic challenge to a system that says we can see everything, regulate everything,” he said. “I say, ‘Oh really?’ My challenge is: Regulate this. I hope with that challenge we create such an insurmountable problem that the mere effort of trying to regulate this explodes any regulatory regime.” Wilson’s group has posted several videos to YouTube of AR-15s firing rounds with 3-D printed high-capacity magazines and lower receivers, the part that includes the firing mechanism and is the only regulated portion of the gun if it’s bought over the counter. Wilson’s parts are made from high-grade polymer and retrofitted to the bodies of existing weapons. The receivers are made able to fire by adding over-the-counter springs, pins and a trigger. In one recent video, Wilson fires dozens of rounds from an M-16 using a 3-D printed high-capacity magazine. “How’s that national conversation going?” he asks. Defense Distributed also runs a Web site called Defcad, where anyone can download gun designs and trade tips. The other day, a user posted this question to a discussion board on the site: “I know nothing of 3d printers. I can tell there are a few different types of materials to print and some appear to be easier to break than others. What printer and material is the best for printing a receiver and mags?” Lerol, working in his spare bedroom, is using a $1,300 machine called the Cube, which is made by a division of 3D Systems, a large publicly traded manufacturer of consumer and industrial 3-D printing machines. The cheaper, consumer versions of 3-D printers like the one Lerol uses are only capable of printing with plastics, while more expensive, industrial-scale machines can print sturdier materials such as high-grade polymers. Experts expect printer prices to fall as part of the normal technology curve. (Think about the price of flat screen TVs five years ago. Or a computer two decades ago.) And that makes Lipson, the Cornell expert, nervous because cheaper machines could help people make cheap guns for one-time use. “The threat is not of 3-D printing military-grade weapon components from standard blueprints on industrial 3-D printers,” Lipson said. “The challenge is that [do-it-yourself] 3D printers can be used by anyone to print rogue, disposable and shoddy guns that could be used to fire a few rounds, then be recycled into a flower vase.” Though Lerol acknowledges how easy these machines make it to get around regulations, his motivations, he said, are benign. He is a tinkerer, he likes guns and he likes messing around the house. He insists he has no interest in flouting whatever restrictions might win approval, but gun-control advocates and some legislators worry that not everyone’s motivations will be so pure. “It’s not necessarily the technology, it’s the ideology,” said Joshua Horwitz, the executive director of Coalition to Stop Gun Violence. “If this insurrectionist philosophy was to gain traction, people will normalize this behavior.”

### Lee 13

#### CP: arm the proletariat.

Lee 13 Daniel “A Marxist-Leninist response to Gun Control” January 29th 2013 Oklahoma Workers’ Monthly <http://www.dailykos.com/story/2013/1/9/1177753/-A-Marxist-Leninist-response-to-Gun-Control> JW

When we talk about gun ownership then, we must talk about the rights of the workers to bear arms. One way or another, the bourgeois will exert their will through force either directly or indirectly, and usually through the cats-paw of the government and its military and police institutions to repress the working class and protect their own property interests. How then shall the workers protect their interests? As Marx writes, "The arming of the whole proletariat with rifles, guns, and ammunition should be carried out at once [and] the workers must ... organize themselves into an independent guard, with their own chiefs and general staff. ... [The aim is] that the bourgeois democratic Government not only immediately loses all backing among the workers, but from the commencement finds itself under the supervision and threats of authorities behind whom stands the entire mass of the working class. ...As soon as the new Government is established they will commence to fight the workers. In order that this party (i.e., the democrats) whose betrayal of the workers will begin with the first hour of victory, should be frustrated in its nefarious work, it is necessary to organize and arm the proletariat." - Karl Marx, Address to the Communist League (1850) This quote sounds as if it were written for the times we are facing today! However, Dialectical Materialism teaches us that the issues and struggles of history are cyclical, and though taking new forms, at the heart of the struggle remains the eternal war for class dominance. Moving forward to Lenin, the great leader of the October Revolution in Russia, we see that he too advocated arming the workers: “The minimum programme of the Social-Democrats calls for the replacement of the standing army by a universal arming of the people. Most of the official Social-Democrats in Europe and most of our own Menshevik leaders, however, have “forgotten” or put aside the Party’s programme, substituting chauvinism (“defencism”) for internationalism, reformism for revolutionary tactics. Yet now of all times, at the present revolutionary moment, it is most urgent and essential that there be a universal arming of the people. To assert that, while we have a revolutionary army, there is no need to arm the proletariat, or that there would “not be enough” arms to go round, is mere deception and trickery. The thing is to begin organizing a universal militia straight away, so that everyone should learn the use of arms even if there is “not enough” to go round, for it is not at all necessary that the people have enough weapons to arm everybody. The people must learn, one and all, how to use arms, they must belong, one and all, to the militia which is to replace the police and the standing army. The workers do not want an army standing apart from the people; what they want is that the workers and soldiers should merge into a single militia consisting of all the people.” - A Proletarian Militia by VI Lenin Comrade Stalin, the fierce defender of the fledgling workers’ Soviet democracy and the Champion against Nazi aggression, said that the “most important countermeasure against counterrevolution is the arming of the workers and peasants.” Finally, from the writings of the revered leader and liberator of the Chinese people, Mao Zedong, we find this important commentary on the role of the Red Army: "The Chinese Red Army is an armed body for carrying out the political tasks of the revolution. Especially at present, the Red Army should certainly not confine itself to fighting; besides fighting to destroy the enemy's military strength, it should shoulder such important tasks as doing propaganda among the masses, organizing the masses, arming them, helping them to establish revolutionary political power and setting up Party organizations." Certainly, each statement above applies to a particular instance in time at that particular stage of revolution in each writer’s respective countries. However, the principle remains the same. The workers must be made able to protect and defend themselves. In some cases, such as in 1916 Russia, the bourgeois were even willing to finance a workers militia - to protect their own interests – which Lenin said should be paid for by the bourgeoisie, but that the militia must above all protect the workers both from external threats, and from the bourgeois within the gates. At this point in time, the bourgeois state is not in a state of flux which would necessitate them calling upon the workers to form militias – in fact, such a thing is considered a threat to the Imperialist State’s hegemonic domination. Thus we can expect no checks to be coming in the mail from the rich for the funding of workers’ protection. However, we must still encourage the exercising of such rights still granted to all people by the Bourgeoisie state for the protection of the working class and minorities. We can take a lesson from the Black Panthers, who encouraged black communities to arm and protect themselves instead of relying on the unpredictable and brutal police forces and judicial system for protection. We can encourage the formation of community defense groups which are founded along class lines, upholding and protecting the rights of oppressed minorities. We can encourage and sponsor gun safety training, and work to create the best conditions possible for working class neighborhoods to protect themselves. We can encourage organized labor to stand together in solidarity to help protect the schools and surrounding communities, creating a “thin red line” of our own which acts as a deterrent against crimes from any source. And in the center must be the party, directing, protecting, and organizing the workers defense. Lenin would do no less.

### Honeywell 14

#### Handguns are built to kill people.

Honeywell 14 Ken (editor-in-chief of Punchnel’s) “What is the Purpose of a Gun?” <http://www.punchnels.com/2014/07/17/what-is-the-purpose-of-a-gun/> JW

What, after all, is the purpose of a gun? The purpose of a gun–if we’re being honest–is to kill something. It’s a tool that has enough power, when used properly (and very often improperly) to kill. Hunting rifles and shotguns are for killing animals. Handguns–if we’re being honest–are for killing people. That’s the purpose behind their design–they are portable, concealable, easy-to-use tools for killing a person. You may feel protected when you carry a gun, but guns are not for protection: They are for killing. Were I a paranoid person or on some sort of mystery-solving adventure, I might also feel safer if I carried my eight-inch chef’s knife that is for chopping vegetables. I might feel safer carrying a baseball bat or accompanied by a dog. (P.S.: The purpose of a dog is not to protect you. As far as I can tell, the purpose of a dog is to be a dog.) But guns are only for killing. So we have laws that make it easy for you and me and just about anybody to go to the gun store and buy a gun, and carry it damn near anywhere we please in Indiana, including our state parks. It only stands to reason that when lots of people are walking around the streets with tools that are made to kill people, people are going to die. I’m sure that if people were walking around with butcher knives, more people would get stuck. I’m also pretty sure that if more people were walking around with shovels, more people would get whacked in the melon with shovels. But I’ll bet more holes would get dug, too. And a gun is not for anything else. Except killing. Yes, target practice. But there’s a reason those targets are shaped like humans.

### Moser 13

#### The plan makes black market guns expensive and difficult to find.

Moser 13 Whet “How Gun Control (and Isolation) Makes Illegal Guns More Expensive” Feb 18th 2013 Chicago Mag <http://www.chicagomag.com/Chicago-Magazine/The-312/February-2013/How-Gun-Control-and-Isolation-Makes-Illegal-Guns-More-Expensive/> JW

Which turns out to be pretty typical. In 2007, four academics—Philip J. Cook of Duke, Jens Ludwig of the University of Chicago, Sudhir Venkatesh (now of Columbia) and Anthony Braga (now of Rutgers)—studied Chicago’s underground gun market and found that “the illegality of the gun market increases search costs for prospective trading partners” (PDF): Interviews by SV with 116 gun-owning non-gang affiliated youths (age 18–21) reveal prices paid that range between $250 and $400. Interviews with 11 local gun brokers, who handle a large share of retail transactions on behalf of importers, suggest most of their guns are sold for between $150 and $350. These prices are typically for guns of low quality, manufactured by companies such as Lorcin, Raven and Bryco. These names were often mentioned to SV in interviews and as noted above also show up frequently in administrative data on confiscated crime guns maintained by ATF. While SV’s inter- views do not include information on the condition of the gun, it is noteworthy that most pistols from these manufacturers listed on websites (such as gunsamerica.com) sell for between $50 and $100 (with a $10 mailing/transaction fee), even for those used guns that are reported to be in ‘excellent condition’. Of course, people are still able to obtain guns; they’re just expensive and more difficult to find. But one part of their research made me wonder how much the repeal of the gun ban will actually effect the black market here: Why do people tolerate these search costs when any Chicago resident can identify the location of numerous licensed suburban gun dealers with a quick search of the local phone directory or the Internet? Even those people who are themselves ineligible to buy a gun from a licensed gun dealer can get someone else, usually a wife or girlfriend, to make a ’straw purchase’ on their behalf if she obtained an Illinois Firearm Owners ID (FOID) card. The answer seems to be in part that the residents of SV’s neighbourhoods are very parochial, perhaps because gang turf increases the risks of travelling to other areas. One gang leader notes: ‘Most of us, we never been outside these four or five blocks, our neighbourhood. Now, how can you bring the guns here if you don’t even know how to get to other places? … Even if we go to jail, we really spend most of our time around where we live, where we work.’ In that sense, the weapons that enforce that isolation maintain their own, isolated black market.

### Economist 14

#### Solvency disproves the disad AND we prevent the black market from growing.

#### Economist 14 [“What are the costs of gun ownership?” July 10th 2014 <http://www.economist.com/blogs/democracyinamerica/2014/07/guns-and-consequences> JW]

But a comprehensive study of the social costs of gun ownership by Philip Cook and Jens Ludwig, published in the Journal of Public Economics, offers a more nuanced take on the problem. These researchers found that more guns empirically lead to more gun-related violence, largely because legally purchased guns somehow end up in the hands of criminals via theft or the secondary market (ie, gun shows and online sales, which are largely unregulated). And attacks with guns are more likely to be lethal, because they are much more effective at killing people than other weapons. This might not be a big problem in New Hampshire, but it is certainly one in Chicago, where data from 2008 show that 81% of homicides were committed with guns, 91% of them by people who had a prior arrest record. (More guns also lead to more suicides, which is a serious problem, though rarely one for headlines.)

### Kopel 15

#### Gun registration fails so hard-empirics prove.

Kopel 15 David (Director of the Firearms Research Project at the Independence Institute, Associate Policy Analyst with the Cato Institute) “The Costs and Consequences of Gun Control” Policy Analysis Cato Institution December 1st 2015 No. 785 JW

Mass prohibitions of guns or gun components or accessories invite a repetition of the catastrophe of alcohol prohibition. Just as alcohol prohibition in the 1920s spawned vast increases in state power and vast infringements of the Bill of Rights, another domestic war against the millions of Americans who are determined to possess a product that is very important to them is almost certain to cause significant erosion of constitutional freedom and traditional liberty.101 Legal and customary protections against unreasonable search and seizure and against invasions of privacy would all suffer.102 Americans are well aware that gun registration can be a tool for gun confiscation, and not just in other countries. In New York City during the mid-1960s, street crime was rising rapidly. So as a gesture to “do something,” the New York City Council and Mayor John Lindsay (R) enacted long-gun registration. The per gun fee was low, just a few dollars.103 Registration never did solve crimes, and crime continued to worsen. So in 1991, with the city becoming increasingly unlivable, Mayor David Dinkins (D) made a grand gesture of his own, convincing the City Council to enact a ban on so-called assault weapons.104 Then, the New York police used the registration lists to conduct home inspections of individuals whose registered guns had been outlawed. The police said they were ensuring that the registered guns had been moved out of the city, or had already been surrendered to the government.105 In California, in 2013, only strenuous opposition finally led to the defeat of a proposed law, AB 174, which, before it was amended to cover a different subject, would have confiscated grandfathered assault weapons that had previously been registered in compliance with California state law. Precisely because of concerns about confiscation, many Americans will not obey laws that would retroactively require them to register their guns. During the first phase of the assault-weapon panic, in 1989 and 1990, several states and cities enacted bans and allowed grandfathered owners to keep the guns legally by registering them. The vast majority of gun owners refused to register.106 Gun-prohibition advocates are quite correct in characterizing registration as an important step on the way to confiscation.107 That is why Congress has enacted three separate laws to prohibit federal gun registration.108 Obama apparently hopes to reverse federal policy with his euphemistic call for a national database of guns, and his imposition of registration for many long gun sales in the southwest border states.109 Yet when Canada tried to impose universal gun registration the result was a fiasco. The registration system cost a hundred times more than promised. Non-compliance was at least 50 percent, and the registration system proved almost entirely useless in fighting crime. In 2012, the Canadian government repealed the registration law and ordered all the registration records destroyed.110 New Zealand’s Arms Act of 1983, enacted at the request of the police, abolished the registration of rifles and shotguns. Rifle registration had been the law since 1920, and shotgun registration since 1968. The New Zealand Police explained that long-gun registration was expensive and impractical, and that the money could be better spent on other police work. The New Zealand Police pointed out that the database management is an enormously difficult and expensive task, that the long-gun registration database was a mess, and that it yielded virtually nothing of value to the police.111 Although some gun-control advocates began pushing in 1997 to revive the registry—since computers would supposedly make it work this time—the plan was rejected after several years of extensive debate and analysis.112 As for registration in the United States, the largest, most detailed comparative study of the effects of various firearms laws was conducted by Florida State University criminologist Gary Kleck, and published in his 1991 book Point Blank: Guns and Violence in America. His book was awarded the highest honor by the American Society of Criminology, the Michael Hindelang Book Award, “for the greatest contribution to criminology in a three-year period.” The Kleck study examined many years of crime data for the 75 largest cities in the United States. The study controlled for numerous variables such as poverty, race, and arrest rates. Kleck’s study found no crime-reducing benefits from gun registration.113 In 2013, at the request of the Canadian Department of Justice, Kleck prepared a report that synthesized all prior research in the United States and Canada. He found registration to be of no benefit in reducing any type of firearms misuse.114

### DeGrazia 14

#### CP: the USFG should only allow handguns to be purchased and the purchase can only be made if the buyer has a handgun license. To receive a license they must demonstrate a special need for handguns AND pass a demanding course in handgun safety.

#### **DeGrazia 14** David (Professor of Philosophy at George Washington University) “Handguns, Moral Rights, and Physical Security” journal of moral philosophy (2014) 1-21 JW

My proposal, which I can only sketch here, is to constrain quite drastically the scope of the presumed moral right to own handguns. We noted earlier that not everyone has a moral right to own these weapons because its scope was restricted to competent, law-abiding adults (where “competent” means, roughly, “free of substantial cognitive disability” rather than “competent to use guns”). Now I propose that not all competent, law-abiding adults have a moral right to handgun ownership. The moral right, as we found earlier, is contingent upon serving the purposes of self-defense and physical security. We also found that not everyone needs these weapons for self-defense and physical security, and that many people defeat themselves in relation to these purposes by owning handguns. On this basis, I submit that those individuals in the u.s. who have an undefeated moral right to own handguns (if anyone does) are precisely those competent, law-abiding adults who apparently need handguns for selfdefense and can be trusted to store and use them in a way that, on balance, promotes rather than threatens physical security in the home.33 Accordingly, handguns should only be obtainable by legal purchase (not received as a gift), and purchases should be legal only if the buyer has a handgun license. Obtaining a license should be contingent upon meeting two conditions beyond such familiar ones as passing background checks (a requirement that should become universal34). The two new conditions are to be applied prospectively, after a specified date, rather than applied to gun owners who acquired their guns prior to that date.35 First, as in Canada and some western European countries,36 we should allow individuals to own handguns only upon demonstrating a special need for them. One might make the case, say, that one’s urban neighborhood is exceptionally unsafe and police protection is insufficient there; or that, considering where one lives out in the country, it would take too long for police to arrive in the event of an attempted break-in. Alternatively, one might make the case that one’s job (say, in security or espionage) presents a special need for a handgun. In order to facilitate consistency in applying standards, licenses should be granted by a federal agency rather than by state or local agencies. The standards themselves should be publicized, and the system of review should be conducted with professionalism and integrity so as to maintain public trust in the system. The second condition applies to those who demonstrate a special need for a handgun. In order to provide reasonable assurance that owning a gun will not be self-defeating, one should have to pass a demanding, in-depth, federally approved course in handgun safety—with no exceptions. Here there is a partial analogy to drivers’ licenses, which can be obtained only when one has demonstrated, after many hours of practice, competence in driving. In both cases, one’s prerogative is limited by reasonable considerations of safety. By requiring licenses that in turn require meeting these two conditions for handgun ownership, we can limit the scope of an undefeated moral right to gun ownership to those for whom owning firearms will most likely confer a net gain in physical security for themselves and others in the home. Everyone else either does not need a handgun for physical security or cannot be trusted to own one.

### Damerdji 16

#### Actor CPs don’t represent an opportunity cost.

Damerdji 16 Salim (debate coach) “An Argument Against the States CP” NSD Update January 12th 2016 <http://nsdupdate.com/2016/01/12/an-argument-against-the-states-cp-by-salim-damerdji/> JW

There is no entity with the power to decide between state & federal action…. Why do we need to get further into educational or fairness concerns? The choice posed by the counterplan is silly because no entity has the power to choose between the plan and the counterplan. That is the real damage done by the states counterplan: Voting negative rejects the plan for a reason nobody should consider. I find this argument compelling, but if you don’t, consider the following analogy. Suppose you are a security guard working the night-shift at an art museum. You realize a disgruntled co-worker is wandering around, and to your dismay, punching painting after painting. You could run up to your co-worker and tackle them, but that would certainly damage the next painting. In an ideal world, your co-worker would stop their rampage on their own. But based on their aggressive demeanor, you figure this is unlikely. So the choice is yours: tackle your co-worker (and definitely cause more harm) or do nothing at all with the hope that your co-worker will abort their rampage on their own volition. It seems pretty compelling that you should take matters into your own hands. While it’d be ideal for your co-worker to stop their rampage on their own, you have little to no confidence that they will, and so you still have a moral obligation to stop the rampage. Now consider the States CP. The USFG sees serious harm in the status quo. It would be ideal for the 50 states to ban handguns instead of the federal government, but keep in mind, many of these 50 states openly oppose any gun control whatsoever, let alone a handgun ban. Moreover, it’s sheer fantasy to suppose all 50 states would act in unison. In sum, the ideal outcome, whereby the 50 states implement a handgun ban, is virtually zero. Just as the security guard would be foolish to play the odds of not acting, the same would be true for the federal government. In both cases, there’s little to no chance that the ideal actor would actually act. And so the obligation falls back to you, the non-ideal actor. As the language here suggests, this logic applies to all alternate actor CP’s, not just the 50 States CP.[2]

Damerdji 16 Salim (debate coach) “An Argument Against the States CP” NSD Update January 12th 2016 <http://nsdupdate.com/2016/01/12/an-argument-against-the-states-cp-by-salim-damerdji/> JW

Let’s consider some replies.

In 2009, Eric Morris offered the following response to JP Lacy:[3]

one actor has the ability to directly choose between Federal and State action: the debate judge. This is roughly the same number of actors who have the ability to dictate Congressional/Presidential cooperation to get a particular law passed & signed, not to mention funded, implemented, and upheld in perpetuity.

Though it may seem implied by Lacy’s language, there doesn’t actually need to be a single entity to push for the aff to happen (it may entail fiating a lot of congresspeople pass a bill, for instance). And even if it were the case that a single entity had to make the aff happen, the judge could not be that entity. The judge quite literally does not dictate congressional/presidential cooperation – the USFG does. To test whether the aff is desirable, we merely ask whether the USFG affirming would be good, putting aside the issue of whether the congressional/presidential cooperation it requires is likely.

This is distinct from the issue with the States CP. The problem here is made vivid by returning to the security guard example. The security guard can agree that the co-worker would be the ideal actor. But the security guard lacks God-like powers to force their co-worker to stop their rampage. So it’s irrelevant whether the co-worker would be the ideal actor since we’re nearly certain they won’t act.

Second, someone may reply, “Of course the neg world won’t happen, but neither will the aff world happen. The whole point of fiat is to discover the best outcome, not the most likely one.”

The point of fiat is not to figure out the best imaginable outcome – it’s to test whether we should affirm or not. When the neg fiats a counter-plan, they acquire the ability to test whether the world of the CP is good. But the neg world being preferable to the aff world isn’t enough to win. (To think otherwise is just another bizarre implication of the contrived comparing worlds paradigm.) Perms demonstrate this. If the CP ended world hunger and gave everyone a pony, it’d be an amazing world, maybe even better than the aff’s world. But until there’s a disadvantage to the aff, then there’s still every reason to affirm. Counter-plans only matter if they are opportunity costs weighty enough to make the aff advocacy undesirable. In this case, the fact that the states are so unlikely to act means there’s virtually no opportunity cost to affirming.

It looks like we’ve taken the “just imagine it would happen” view of fiat too literally. When the security guard imagines how great it’d be for their co-worker to stop their rampage on their own, the security guard doesn’t also need to believe that the chance of that happening is actually guaranteed. Of course the security guard can agree the co-worker would be the ideal actor; this just has no bearing on what to do. Fiating a States CP can only tell us it’d be good for the states to act[4]. But given that it surely won’t happen, a States CP doesn’t change the calculation of whether the USFG should act.

We should be cautious about deferring to conventions of fiat over what seems to us to be the case in the security guard example. Jacob Nails offers insight here:[5]

“I won’t,” does not refute “you should.” … with or without an agreed upon convention of fiat…. Attempting to directly justify or indict a debate practice by direct appeal to fiat puts the cart before the horse. There is no rule of fiat governing debates, over and above other considerations. It should be possible to drop the reference to debate fiat and make the same argument appealing to logic directly. After all, fiat is itself grounded in the logical principles of decision-making. If this task cannot be accomplished, the debater has most likely snuck some additional assumption into their notion of fiat that does not belong.

Let’s abandon a misguided view of fiat, not a basic intuition. When the ideal actor won’t act, the non-ideal actor must.

[1] http://cedadebate.org/pipermail/mailman/2009-April/077266.html

JP Lacy is making a variant of an argument made by Ryan Galloway. I would’ve quoted Galloway’s argument, but it’s hard for me to parse what impact Galloway is trying to garner from his argument – it could be real world education, topic literature, or consistency with a rational policy-maker paradigm.

[2] It’s important to note that I’ve assumed that the aff advantages outweigh the federalism disadvantage. If, in the original example, the only way to tackle your co-worker would involve both of you crashing through a glass wall on the twentieth story of the museum, then maybe it’s not worth saving the paintings after all. But federalism disadvantages range from bad to awful, so this isn’t a tenuous assumption. Moreover, the offense from the aff is likely conceded – after all, being able to concede aff offense is what makes a 50 states CP strategic. My hope is that fully conceded offense would win every time against a federalism disadvantage.

[3] http://cedadebate.org/pipermail/mailman/2009-April/077271.html

[4] This logic plainly does not apply to CPs that fiat the same actor as the aff. If the security guard has a third option of stopping their co-worker with a blow dart, and that causes no damage to the paintings, then the security guard shoot the blow dart. Given this option, the security guard would be wrong to tackle their co-worker. The probability of the guard shooting a blow dart is irrelevant to whether they should. The only time probability is a relevant consideration is as part of a cost-benefit analysis about whether the chance of the ideal actor acting is high enough to not act. When it’s virtually certain the alternate actor won’t act, the cost-benefit analysis is straightforward: you ensure the rampage will continue if you don’t act.

### Ludwig and Cook 03

#### Substitution effect empirically denied-

Cook and Ludwig 03 Philip J. Cook (ITT/Sanford Professor of Public Policy at Duke University) and Jens Ludwig (Nonresident Senior Fellow, Economic Studies) Evaluating Gun Policy: Effects on Crime and Violence 2003 JW

Although definitive conclusions are hard to come by, it seems that the hand-gun ban in Britain may have helped to sustain the mid-1990s reversal of the buildup to the relatively high handgun crime levels of a few years earlier. Crime and firearm crimes fell in the immediate aftermath of the ban, but that trend is subsequently ended: according to statistics on recorded crimes, current rates are near pre-ban levels. It can be stated with more certainty that the handgun ban has not resulted in any sort of crime nightmare in Britain, as some had feared. First, the handgun ban did not lead to a perverse effect, where fewer guns in the hands of law-abiding citizens generated a huge crime spree by gun-toting crim-inals.83 Second, the handgun ban did not lead to a noticeable substitution toward shotgun crime, though shotguns have long been by far the most commonly avail-able type of gun, and fears of such a substitution are often voiced in discussion about proposed handgun controls in the United States.84 Britain remains a na-tion with enviably low levels of homicide and firearm crime.

### Hughes 15

#### Kates and Mauser is an overall shitty study.

Hughes 15 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes “Harvard Study Embraced by Gun Rights Advocates Is Neither a “Study,” Nor Really “Harvard”” The Trace October 21st 2015 <http://www.thetrace.org/2015/10/harvard-study-false-claims-armed-with-reason/> JW

In the wake of the Oregon college shooting, the website beliefnet.com caused a stir on social media with an article titled “Harvard University Study Reveals Astonishing Link Between Firearms, Crime and Gun Control.” The post pointed to a “virtually unpublicized” 2007 paper by Don Kates and Gary Mauser that uses international data to argue that higher rates of gun ownership correlate with lower crime rates. Other right-wing blogs soon picked up on the story, insisting that this was the study that “gun-grabbers fear.” The frenzy is a carbon copy of what happened when the so-called Harvard study was rediscovered back in 2013, and previously in 2012. However, despite its continued resurrection, Kates and Mauser’s work contains serious flaws. For starters, the phrase “Harvard study” is a misnomer, as the paper was not written by researchers at all affiliated with Harvard. Kates is a prominent, NRA-backed Second Amendment activist, while Mauser is a well-known Canadian gun advocate. Their paper appeared in the Harvard Journal of Law & Public Policy, a journal that, unlike most academic publications, does not have peer review. The publication describes itself as a “student-edited” law review that provides a forum for “conservative and libertarian legal scholarship.” The journal’s past contents include a thoroughly repudiated article, “What is Marriage?,” which argued that gay marriage was morally wrong. One function that publications like the Harvard Journal of Law & Public Policy serve is to provide a home for papers that wouldn’t survive vetting by other academics; research that can pass peer review is almost always sent to publications whose more stringent standards also come with greater reach. What’s more, the report by Kates and Mauser does not meet even the loosest criteria of an academic study, which requires either new analysis of an old dataset or boilerplate analysis of a new dataset. Kates and Mauser’s paper offers neither of these, instead relying on highly subjective eyeball comparisons of suspect data, without constructing a single statistical model. In their paper, Kates & Mauser make several bizarre and obviously false claims. They first state, without supporting evidence, that guns are not uniquely available in the United States, ignoring the fact that the U.S. now has one gun per person (double the rate of second-place Switzerland), and has, by any measure, the least stringent gun laws in the developed world. They then proclaim that much of the current gun violence debate is the product of Soviet propaganda. Leaving aside the paper’s dubious label, and the affronts the authors’ statements present to serious scholarship, there are four particularly egregious errors in the paper. They are: Faulty International Data Kates and Mauser correctly note that socio-cultural and economic factors play a key role in shaping a country’s level of violence. But their insight stops there as they then proceed to directly compare countries with dramatically different socio-cultural and economic conditions (like Russia and Norway) to draw conclusions about the efficacy of gun control. In doing so, they commit a cardinal sin of statistical analysis: not comparing likes to likes. To understand the social and economic factors that could significantly influence homicide rates, they should choose a basket of comparable countries with very similar conditions. Without controlling for these confounding factors, Kates and Mauser immediately undermine any conclusions they hope to draw. The authors proceed to compound these errors by us[e]ing Luxembourg — a very small western European country of only 300,000 people — as the linchpin of their international analysis. Luxembourg’s scant population means that only a handful of murders could cause its homicide rate (measured by homicides per 100,000 residents) to fluctuate wildly. More problematic, the data from Luxembourg that the authors rely on is demonstrably wrong. Kates and Mauser cite Luxembourg’s homicide rate as a whopping 9.01 killings per 100,000 people in 2002. However, not only does that figure come from a source missing multiple years of data (a major red flag), but the United Nations Office on Drugs and Crime places the country’s homicide rate for the year in question at 1.4 per 100,000. This suggests that Kates and Mauser didn’t bother to double-check their source. Indeed, after the article was published, Mauser admitted that their data for Luxembourg was incorrect, an admission that was buried in the notes section of a PowerPoint slide.

### Sweig 13

Definition of handgun as all guns/card that most cartels use handguns

#### US-Latin American relations are waning now-lax gun regulations are the root cause. Decisive federal action to lessen gun ownership creates the perception of cooperation which fixes relations.

Sweig 13 Julia E. Sweig (Nelson and David Rockefeller Senior Fellow for Latin America Studies and Director for Latin America Studies) “A Strategy to Reduce Gun Trafficking and Violence in the Americas” Council on Foreign Relations, Policy Innovation Memorandum No. 36 July 2013 <http://www.cfr.org/arms-industries-and-trade/strategy-reduce-gun-trafficking-violence-americas/p31155> JW

The flow of high-powered weaponry from the United States to Latin America and the Caribbean exacerbates soaring rates of gun-related violence in the region and undermines U.S. influence in the Western Hemisphere. Though the Senate rejected measures to expand background checks on firearms sales, reinstate a federal assault-weapons ban, and make straw purchasing a federal crime, the Obama administration can still take executive action to reduce the availability and trafficking of assault weapons and ammunition in the Americas. The Problem With the launch of the Merida Initiative in 2007, the U.S. and Mexican governments agreed to a regional security framework guided by the principle of shared responsibility. Among its domestic obligations, the United States committed to intensify its efforts to combat the illegal trafficking of weapons and ammunition to Mexico and elsewhere in the Americas. Six years later, little has changed: the U.S. civilian firearms market continues to supply the region's transnational criminal networks with high-powered weaponry that is purchased with limited oversight, especially from unlicensed individuals at gun shows, flea markets, pawn shops, and on the Internet. Lax U.S. gun laws enable straw purchasers, including those under investigation in Operation Fast and Furious, to legally procure thousands of AK-47 and AR-15 variants every year and traffic them across the border to sell them illegally to criminal factions. U.S. government data highlights the problem. The Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) Web-based firearm trace request and analysis system, eTrace, enables law enforcement officials to collaborate with ATF to track the path of recovered weapons from the manufacturer or importer though the distribution chain to the first retail purchase. Over 70 percent of the ninety-nine thousand weapons recovered by Mexican law enforcement since 2007 were traced to U.S. manufacturers and importers. Likewise, 2011 eTrace data for the Caribbean indicates that over 90 percent of the weapons recovered and traced in the Bahamas and over 80 percent of those in Jamaica came from the United States. The ATF has not released data for Central America, but the numbers are likely similar. The UN Office on Drugs and Crime reports that easy access to firearms is a major factor influencing homicide trends in Latin America and the Caribbean; the gun-related homicide rate in Latin America exceeded the global average in 2010 by more than 30 percent. The World Bank estimates that crime and violence cost Central America nearly 8 percent of its GDP when accounting for the costs of law enforcement, security, and health care. The U.S. government has empowered law enforcement in the region to recover and investigate the source of weapons used by criminal factions. In December 2009, the ATF introduced the Spanish version of eTrace. Since 2012, the State Department has funded the Organization of American States' (OAS) program to provide firearm-marking equipment and training to law enforcement in twenty-five countries. Yet, these efforts notwithstanding, Mexican authorities intercepted only 12.7 percent of the roughly 250,000 guns smuggled into Mexico between 2010 and 2012, while the ATF intercepted no more than 2 percent. In effect, the United States undermines its own efforts at preventing arms trafficking with its unwillingness to strengthen oversight of the firearms industry and lukewarm support for multilateral agreements. The United States is one of three countries that have not ratified the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). In addition to requiring parties to criminalize the illegal manufacture, import, or export of high-powered weapons, the treaty encourages information exchange and cooperation on initiatives including the marking and tracing of weapons and the identification of criminal transit routes. President Bill Clinton signed CIFTA in 1997 and submitted it for ratification to the Senate, where it has lingered for over a decade. Likewise, although the United States voted in favor of the United Nations' Arms Trade Treaty in April 2013, it has yet to sign or ratify the treaty. Given the political complexity of legislative action to reduce arms trafficking, Latin American governments have moved to disarm criminal networks by tightening their own gun codes: Mexico prohibits the sale of handguns with calibers greater than .38 and Colombia bans civilians from carrying firearms in Medellin and Bogota. Brazil, Mexico, and El Salvador have implemented gun buyback programs. At the 2012 Summit of the Americas, heads of state demanded a new approach to the failed war on drugs, including greater efforts to disarm criminal networks. U.S. allies have repeatedly urged the United States to reinstate the federal assault-weapons ban and take action against weapons trafficking. Their patience—and the United States' credibility as a responsible partner—is waning. U.S. action will strengthen those regional heads of state who want to work with the United States and who also regard lax U.S. gun laws as fueling violence and anti-Americanism among their own publics. Across the board, Latin American governments are turning toward the Community of Latin American and Caribbean States and the Union of South American Nations, which pointedly exclude the United States, to handle regional political and security dilemmas. Stronger action to regulate the southward flow of weapons represents an opportunity for the Obama administration to enhance U.S. relevance in the region, especially at the early stages of new regional institutions and security protocols. Recommendations In the absence of major legislative action, the Obama administration should pursue the following executive and diplomatic actions—consistent with the Second Amendment—to reduce the trafficking of firearms that contribute to crime and violence across the Americas: Expand nationwide the state-level multiple-sale reporting requirement for assault weapons. In 2011, the Obama administration adopted a federal rule that requires gun dealers in California, Texas, Arizona, and New Mexico to report sales of more than two semiautomatic rifles to the same person within a five-day period. Unintentionally, the rule shifted gun sales to states not covered by the requirement, prompting the need for improved oversight of all suspicious semiautomatic firearm sales. Incorporate strategies to reduce existing stocks of illegal firearms into U.S.-Brazil dialogue on defense and security. As home to the two largest firearms industries in the hemisphere, the United States and Brazil have a mutual interest in incorporating this topic into their ongoing bilateral policy dialogues. For example, sharing best practices regarding gun buyback programs in border regions on the U.S.-Mexican and Brazilian-Bolivian borders will build mutual confidence between the two largest Hemispheric powers. Exclude firearms and ammunition products from the Export Control Reform Initiative. As currently crafted, President Barack Obama's reform initiative may make it easier for U.S. manufacturers to export military-style weapons to allies. Liberalizing export restrictions on firearms poses a serious security risk to the Americas; potential reexport of firearms without U.S. oversight could jeopardize local law enforcement efforts to keep weapons from criminal groups and rogue security forces in the region. Apply the "sporting test" standards of the 1968 Gun Control Act. This provision prohibits the import of weapons not "suitable or readily adaptable for sporting purposes," including but not limited to military-style firearms. Throughout the 1990s, under Presidents George H.W. Bush and Bill Clinton, the ATF adhered to the sporting test guidelines, preventing thousands of assault weapons from entering the U.S. firearms market. Enforcement of the test lapsed under President George W. Bush and has not been reestablished under President Obama. Continue to support federal, state, and local initiatives to improve regulation of the U.S. civilian firearms market. As grassroots organizations prepare their long-term legislative strategies, the White House should back state and local legislation, based on reforms in Maryland and Connecticut, which bans the sale of assault rifles and high-capacity magazines, broadens existing background check requirements for firearm purchases, and modernizes gun-owner registries by requiring, among others, that buyers submit their fingerprints when applying for a gun license. While piecemeal regulation of the U.S. civilian firearms market does not represent a comprehensive solution, passage of state and local measures, including gun buyback programs, will reduce the number of weapons in circulation and available for smuggling and generate momentum for a broader federal approach over the long run. Conclusion Strengthening U.S. gun laws will not eliminate gun violence in Latin America, where weak judiciaries and police forces, the proliferation of gangs and black markets, and deep inequality exacerbate violent conflict. Nonetheless, lax U.S. gun regulations do enable international trafficking. While the effects of tighter regulation will not be felt overnight, such steps will offset widespread regional views that the United States remains indifferent to its own role in exacerbating one of Latin America's most significant challenges. Although recent federal gun control measures have run aground on congressional opposition, the Obama administration retains considerable leeway in the foreign policy arena, where concerted action can help U.S. allies in Latin America make the case to their constituents and to other skeptical governments that the United States can be a legitimate partner in combating transnational crime. At a juncture in U.S.-Latin American relations that again features both tension and opportunity, these actions will demonstrate that the United States is prepared, if imperfectly, to fulfill its shared responsibility for regional security and enhance American standing and positive influence in Latin America.

### Degrazia

#### Washington D.C. ruling only applies to states.

Degrazia David (Professor of Philosophy at George Washington University) “ON THE ETHICS OF AMERICAN HANDGUN OWNERSHIP” JW

While the Heller decision was unquestionably a legal milestone, it was technically limited to federal enclaves such as Washington, DC. The Court’s reasoning was extended in McDonald v. City of Chicago (2010).15 Chicago, like the nation’s capital, had banned private handgun ownership. The McDonald decision explicitly stated that the right to own guns applied to the states—and, of course, to jurisdictions within them.

### MSL 15

#### Racist policing is non-unique—gun control is still good. This evidence is an indict of Gourevitch and does the weighing.

MSL 15 Main Street Liberal “Guns Are Not Black America's Best Friend” June 24th 2015 <http://www.mainstreetliberal.com/2015/06/guns-are-not-black-americas-best-friend.html> JW

This fellow really needs to get out more. He needs to observe the manner in which poor people of any race are treated in the criminal justice system. Once he recognizes that poor whites also are abused, he may notice that even middle class folks admit responsibility for crimes they did not commit, in order to avoid serious punishment and going deeply into debt. Usually, only the rich can afford private legal counsel, without which one has little recourse but to plead guilty "just to avoid the possibility of more severe punishments." Criminal gun laws often merit severe punishment if they're violated. The life of an innocent person may depend on it. "Racial justice." Alex Gurevitch summarizes, "is a precondition for any reasonable gun control regime." No, it is not. Currently, we have neither, with one an important goal and the other an important means to an end, reduction in crime. We also are nowhere near either. Most of those individuals abusing the Second Amendment are young men and, except in mass shootings, often black. With their motives hardly benign and lifestyles short of exemplary, encouraging them to possess lethal weapons without legitimate cause is unlikely to spur white Americans to embrace that cause of racial justice Gourevitch emphasizes

### McAllister 16

#### Studies prove-gun control doesn’t solve suicide- people find other means.

McAllister 16 D.C. McAllister (journalist based in Charlotte, NC. She graduated from the UNC Chapel Hill School of Journalism and has worked in both print and television news as an associate producer for the morning show at WFTV Orlando, a correspondent for the Orlando/Lake Sentinel and United Press International out of the Miami bureau, and a reporter at the Aiken Standard in South Carolina. Her work has appeared at Real Clear Politics, Hot Air, InstaPundit, and Ricochet, and she has been a guest on BBC Radio, One America News Network, Newsmax TV, KNRS) “No, Goldie Taylor, Gun Control Won’t Reduce Suicide” The Federalist January 12 2016 <http://thefederalist.com/2016/01/12/no-goldie-taylor-gun-control-wont-reduce-suicide/> JW

But Guns Don’t Cause Suicide This is a point made in a National Academies’ Firearms and Violence report, which thoroughly examines studies such as those Taylor cites in light of direct causality. From all the evidence gathered, the committee came to the following conclusions: States, regions, and countries with higher rates of household gun ownership have higher rates of gun suicide. There is also cross-sectional, ecological association between gun ownership and overall risk of suicide, but this association is more modest than the association between gun ownership and gun suicide; it is less consistently observed across time, place, and persons; and the causal relation remains unclear. The risk of suicide is highest immediately after the purchase of a handgun, suggesting that some firearms are specifically purchased for the purpose of committing suicide. Some gun control policies may reduce the number of gun suicides, but they have not yet been shown to reduce the overall risk of suicide in any population. An important point the report makes—and one Taylor glosses over—is that even if you remove guns from a home, a person who wants to commit suicide will still find other means. As previously mentioned, women mostly kill themselves with poison. Removing guns will do nothing to help most women who struggle with depression that leads to suicide. And while it is true that guns are more lethal, and men use guns more than any other method, suicide statistics in countries that have tight gun control laws don’t support the argument that removing guns will reduce suicide rates on the whole. Mark Antonio Wright makes this point in “Ezra Klein is Wrong: Gun Control Doesn’t Reduce Suicide Rates.” Like Taylor, Klein argues that reducing gun availability would decrease the suicide rate. But when you look at countries with the world’s strictest gun laws, this argument doesn’t hold up. Even if you remove guns from a home, a person who wants to commit suicide will still find other means. Wright first takes us to Australia, where there seems to be a relationship between its buy-back gun program and a drop in the suicide rate. But “the reduction occurred at the same time as an overall reduction in the Australian suicide rate. What’s more, firearm-related suicides had been declining in Australia for nearly ten years before the 1996 restrictions on gun ownership.” Next, we go to Japan, which has the world’s most restrictive gun-control laws. While the country does have low homicide rates, it has one of the highest suicide rates in the world, nearly twice the U.S. rate! The same is true in South Korea, where handguns are practically nonexistent, but the country has the highest suicide rate in the developed world. The reason for the high rates of suicide are social and cultural factors, not the availability of guns. “Guns are certainly not a factor in the suicide rate,” Wright says. “Along with hanging, drowning, and jumping off of buildings, ingesting pesticides was the method of choice for nearly 25 percent of South Korean suicides between 2006 and 2010. In 2012, more than 14,000 South Koreans took their own lives.” The same is true for other nations, such as Hungary, Poland, France, Cuba, Belgium, and Austria. They all have higher suicide rates than the United States but have stricter gun control policies. Granted, there are countries with strict gun laws that have slightly lower suicide rates than America (e.g., New Zealand, Canada, Sweden, and Ireland), but given that this is not the case across the board, cultural variations, and not gun laws, must be taken into account.

### Goodmark 11

#### The affirmative places faith in the CJS to resolve IPV. This blind subscription to the state subjects survivors to structural violence which outweighs any benefit that prosecution could have.

Goodmark 11 Leigh (Professor of Law, Director of Clinical Education, and Co-Director of the Center on Applied Feminism at the University of Baltimore) “Legal system fails abused women” The Baltimore Sun October 20th 2011 <http://articles.baltimoresun.com/2011-10-20/news/bs-ed-domestic-violence-20111020_1_violence-statute-domestic-violence-dixie-shanahan> JW

After learning that Topeka, Kan., District Attorney Chad Taylor planned to stop prosecuting misdemeanor domestic violence cases in response to county budget cuts, the Topeka City Council this month repealed its misdemeanor domestic violence statute — effectively decriminalizing some domestic violence offenses in Topeka. Abuse survivor Claudine Dombrowski responded to the city's action by hurling a pair of dice at the City Council, arguing that they were rolling the dice with women's lives. Relying on the criminal justice system to keep women safe from domestic violence may, however, be an even bigger gamble. The decision to decriminalize domestic violence in response to budgetary shortfalls sends a horrible message to women subjected to abuse — that the state is not particularly concerned about their safety or the punishment of their abusers. It is hardly surprising that women like Ms. Dombrowski are outraged at the state's seeming callousness toward their plight. In response to the public outcry, Mr. Taylor has since announced that he will resume prosecution; the city has pledged to help him seek additional funding. But this incident provides us with an opportunity to think about how well the legal response to domestic violence is achieving its goals of keeping women safe and holding men who abuse accountable for their actions. Despite the dedication of millions of federal dollars to police, prosecutors and judges since the passage of the Violence Against Women Act in 1994, rates of domestic violence in the United States have not appreciably declined, instead keeping pace with decreases in the crime rate generally. Studies suggest that relatively few women report domestic violence to police; that most of those arrested for domestic violence are not convicted; and that when abusers are convicted, jail time is rare and minimal. Sociologist Evan Stark has argued that the odds of serving jail time for domestic violence are only slightly better than the odds of winning the lottery. There is no proof that prosecution deters abusers. The story of Dixie Shanahan illustrates the failure of the criminal justice system to deter abusive behavior. Residents of Defiance, Iowa, were aware that Scott Shanahan regularly and brutally abused his wife. Mr. Shanahan was convicted of misdemeanor domestic violence after punching Ms. Shanahan, and he served two days in jail. Undeterred, three months later, Mr. Shanahan was convicted of another assault and served four days in jail. After his release, Scott Shanahan redoubled his abuse — so much so, that when he was arrested and charged with felony domestic violence, Dixie Shanahan fled rather than testify against him. His abuse did not end until Dixie Shanahan fatally shot her husband to prevent him from killing her and their unborn child. She is serving a sentence of 10 years to life in prison. The criminal justice system undoubtedly meets the needs of some women; successful prosecutions do happen. Some abusers are sent to jail, and some stop their abuse, particularly when they are closely monitored following their release. But for women, the costs of engagement with the criminal justice system can be high: exposure to increased danger at the hands of abusers and, more problematic, the potential for violence from the state. Women who express reluctance to testify against their abusers are sometimes threatened with arrest if they fail to participate in prosecution; some are even told that the state will remove their children if they fail to appear for trial. Some women of color are understandably reluctant to increase the reach of the criminal justice system into their families and communities. Undocumented immigrant women who reach out to the criminal justice system for assistance have sometimes found themselves targeted for deportation instead. Criminal justice system reform could solve some of these problems. But the time has come to broaden our thinking about how best to address domestic violence. For too long, the legal system has been the default response to domestic violence in the United States. Such a narrowly crafted response denies justice to women who are unable or unwilling to engage that system. Criminal prosecution cannot heal the injuries that some women experience. A small but growing voice is coalescing around the idea that criminal justice intervention is not the best way to prevent and respond to domestic violence. Abused women and their advocates are searching for ways to achieve justice without invoking the criminal justice system. Community accountability projects enable women to craft their own responses to domestic violence — responses that give them the validation and vindication they seek. Asian and Pacific Islander groups in the United States have used public shaming to expose men's abuse of their partners, picketing the homes of abusive men in the hope of developing community support for women subjected to abuse. Other programs focus on changing men's behavior, using male peer facilitators to help men develop empathy for their partners and confront others engaging in abusive behavior. These efforts have the potential to create real change in men who abuse — change that the criminal justice system has yet to deliver. Abused women in Topeka understandably feel forsaken by the city's decision to abandon misdemeanor prosecution of domestic violence cases. But the criminal justice response to domestic violence is both ineffective and highly problematic. Criminal prosecution is, for many women, a false promise. Crises like the one in Topeka provide us with an opportunity to think about how we might serve those women better.

### Evans 15

#### Being a white afro-pessimist is impossible. This is a huge double turn—their 1NC is an objectification of blackness

Evans 15 Rashad, (CEDA semifinalist) “On White Afro-pessimism” August 21 2015 <http://fivefouraff.com/author/rashadtko/>

Such was not the case with Black Nihilism. The debaters actually picked this argument up with some ease. Of course, the argument beneath the Nihilism argument is afro-pessimism. This is a super popular debate argument already so I can see how it might be attractive to young debaters. However, I wonder why there was no similar cognitive dissonance for the debaters before arguing in favor of a radical Black argument which principally focuses on white violence and the necessity of a Black revolution. I listened to the debates just as I have listened to many college debates on the argument and it became clear to me that the kids did not get the argument. The argument had been reduced to: it sucks to be the Black body. I consistently hear debaters saying things like “the Back body can never…” “the Black body always…””…to the Black body.” The is actually a reprieve from those debaters who would sometimes insert slave instead of Black body. In any event, non-Black debaters tend to use the pessimism argument to reduce Black people to a body or slave or simply an object. This is kinda the argument. But, this is the perversity of the argument in the hands of non-black debaters. One important move of afro-pessimism is to focus on anti-blackness as opposed to or in addition to white supremacy. The idea is that the world is anti-black and that anti-blackness is: (1) bigger than individual acts, (2) about more than white people and (3) foundational to humanity and civil society. In other words, all white people are implicated no matter how good or nice they are and so are non-white, non-Black people and no good can come of this world. However, that focus on anti-blackness and what makes the Black experience unique has also become an excuse for non-Black debaters to only focus on how “the Black body” is positioned by violence without theorizing about who is doing the positioning. In addition, if the world is always already anti-black then it can be difficult to see how any individual debater, judge or coach might be actually participating in anti-blackness, particularly as they engage with each other on the everyday. And, that humanity and civil society is fundamentally anti-black is merely an opportunity to explain why it has always sucked to be Black and not an opportunity to explain that the only way to affirm Blackness is to upend the entire world and at least includes a violent war against white people. Afropessimism is nothing if not an affirmation of blackness. It includes a negation of the world, but it is principally an affirming argument. For Black people. A white afropessimist makes no sense. White afropessimism is just anti-blackness. If you are a white afro-pessimist you should understand that your existence is complicit in violence against Black people and/or that your non-existence is a necessity to Black liberation. Under no circumstances should you understand your role to be to spread the gospel of pessimism further. Your engagement with the argument will always be theoretical (you have no relevant experience), redundant (you can never be additive to this conversation) and objectifying (reducing black people to objects of study). Afropessimism is an argument about why Black people should be the the subjects of the the debate. It is about how Black people are always already the subject of all debates but excluded from them as such. It is not about white people.

### Arkles 13

#### Trans people of color face extreme physical and institutional violence. Traditional notions of self-defense exclude them.

Arkles 13 Gabriel (Associate Academic Specialist at Northeastern University School of Law) “GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL” Southwestern Law Review Vol. 42 2013 <http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf> JW

A national survey of transgender people found that transgender people of color were much more likely than white transgender people to experience virtually every category of violence, including transphobic family violence, violence in schools and places of public accommodation, and police and prison violence.32 For example, 22% of Black trans and gender nonconforming people had been physically assaulted in a place of public accommodation, as compared to 6% of white trans and gender nonconforming people.33 29% of Asian trans and gender nonconforming people and 38% of Black trans and gender nonconforming people had been harassed by police, as compared to 18% of white transgender and gender nonconforming people.34 A different report, which examined hate violence against lesbian, gay, bisexual, transgender, queer, and HIV-affected (LGBTQH) people in 2011, found that certain groups within LGBTQH communities experienced more violence than others.35 For example, LGBTQH undocumented immigrants were 2.31 times as likely to experience physical violence and transgender people of color were 2.38 times as likely to experience police violence as compared to LGBTQH people overall.36 Violence is much more than a moment when one person rapes, strikes, or shoots another person. Institutional mechanisms that distribute resources and death based on hierarchies of race, gender, sexuality, disability, and class are also forms of violence.37 These types of violence can be even more damaging than interpersonal violence.38 Job discrimination, welfare policy, lack of affordable housing, immigration policy, and other systemic issues make trans people of color and queer women of color highly vulnerable to poverty, homelessness, incarceration, and early death.39 John, for example, had been poor his whole life. Employers were not eager to hire him. He got welfare for a while, but in the era of welfare reform had to enroll in a job training program to continue getting benefits. When the job training program kicked him out for refusing to wear a skirt, he no longer got his meager welfare payments. These mechanisms—the punishment for not conforming to femininity, the surveillance and coercion built into welfare, and the economic structures producing poverty—can also be understood as forms of violence. Trans people of color and queer women of color cannot rely on police to defend them from any of these forms of violence. In fact, police are often the perpetrators of violence, including sexual violence.40 For example, a Native American trans woman described: “The police are not here to serve, they are here to get served. . .Every night I am taken into an alley and given the choice between having sex and going to jail.”41 A trans man reported a security guard and police threatening to rape him: “The security guard said, ‘The trouble is that this fucking lesbian needs to know what it’s like to be with a man.’ They all started to laugh. ‘I could show her,’ one police officer said.”42 Because they are overwhelmingly targeted for violence and do not receive institutional protection from this violence, trans people of color and queer women of color are likely to genuinely need to defend themselves and their communities from violence. However, while according to law and public perception self-defense is justified,43 in practice the self-defense justification works more effectively for those accused of crimes against people with less privilege than they have. This dynamic explains why women are punished for fighting back against men who abuse them44 and why hate crime laws are used against the groups they are purported to benefit.45 Certain bodies are considered more worthy defense of than others.46

#### Gun control has historically targeted and will continue to target marginalized populations.

Arkles 13 Gabriel (Associate Academic Specialist at Northeastern University School of Law) “GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL” Southwestern Law Review Vol. 42 2013 <http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf> JW

Gun control laws have been around for centuries and have maintained hierarchies of race, gender, disability, nationality, class, and sexuality. As others have documented extensively, most gun control laws implemented throughout US history have either explicitly or implicitly supported white supremacy.76 Early gun control laws primarily focused on preventing Black people (enslaved or free) and Native Americans from arming themselves.77 Later, new gun control laws focused on disarming immigrants and working class people.78 In the 1960s lawmakers passed gun control laws in reaction to Black Panther organizing, a move which armed women and men from the Black Panthers protested.79 White men seem to be the most common gun owners in the U.S.80 However, it is mostly people of color and often trans people of color and queer women of color who get targeted through gun control laws. Partly, this is because most gun control laws are criminal laws and the criminal legal system targets people of color, trans people, and poor people. The disproportionate arrest, prosecution, sentencing, and punishment of communities of color is well-documented.81 While much of the writing and activism about the racism of the criminal legal system has focused on cisgender men of color, who do experience extremely high rates of incarceration and police violence, women of color and (other) trans people of color also face severe and pervasive criminalization and punishment, as well as gender-related harms within these systems.82 Beyond the concerns that could apply to any criminal law, gun control laws are particularly bad for trans people of color and queer women of color, for a few reasons. First, as described above, trans people of color and queer women of color are heavily targeted for both interpersonal and institutional violence and they are also particularly unlikely to be able to rely on police or other government or corporate entities for protection. Those who choose to have guns for self-defense, under these circumstances, should not be punished.

#### SQUO GUN CONTORL IS FUCKED UP-really awesome aff turn to race K.

Arkles 13 Gabriel (Associate Academic Specialist at Northeastern University School of Law) “GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL” Southwestern Law Review Vol. 42 2013 <http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf> JW

Further, the text of most gun laws requires discrimination. For example, existing federal law prohibits certain people from having a gun.83 The categories of people prohibited from possessing a firearm include people with certain types of criminal history; people who are addicted to controlled substances; undocumented immigrants and people present in the U.S. as visitors; people dishonorably discharged from the military; and people who have had certain types of mental health treatment.84 All of these restrictions disproportionately impact marginalized communities. The prohibition on people with criminal histories possessing guns has a highly discriminatory impact on people of color, and trans people and queer youth of color in particular, because of the high rates of criminal legal system targeting of these communities.85 The prohibition on addiction also has a disparate impact. While most studies indicate no racial differences in rates of illicit drug use, people of color are far more likely to be identified as addicted to controlled substances because they are disproportionately targeted for enforcement of drug laws.86 They are also less likely to have access to high-quality, voluntary, confidential treatment for addiction or to licit medications for reducing chronic pain or symptoms of anxiety or depression.87 Also, some studies have shown high rates of drug abuse in LGBT communities, which many theorize results from high rates of stress from homophobia and transphobia.88 The provisions preventing undocumented immigrants and certain other immigrants from lawfully obtaining guns also have profound implications in terms of race, class, gender, sexuality, and disability. People of color from other countries may be more likely to immigrate to the United States, if they can, because of economic colonialism and military occupation that has devastated much of the global South, Middle East and parts of Asia.89 Trans people of color and queer women of color also may have particular incentives to leave their home countries because of transphobic, sexist, and homophobic violence in home countries (which can also be related to colonial legacies).90 While the explicit ban on immigration of people living with HIV was lifted in 2001 and the ban on immigration of people perceived as “sexually deviant” was lifted in 1990,92 trans people and queer women are still even less likely than other immigrants to be able to get access to lawful immigration status in the U.S. The two primary routes to immigration to the US are less likely to be open to trans people and queer women. Poverty and employment discrimination make it unlikely they will be able to access employment-based routes to immigration status. Family-based immigration status is less likely to be available to queer women and trans people because immediate biological family members sometimes reject their trans, queer, or lesbian family and U.S. immigration law refuses to acknowledge chosen family networks that trans people of color and queer women of color often create. Also, the extensive criminalization of trans immigrants of color creates further barriers to immigration status.93 Bias and sexual exploitation on the part of immigration officers also create greater barriers to immigration.94 Dishonorable discharges from the military may also be a result of racism, sexism, homophobia, and/or transphobia. For example, Black women were disproportionately likely to be discharged under Don’t Ask Don’t Tell.95 Cross-dressing has been found to be conduct unbecoming an officer.96 Trans people of color and queer women of color may also be disproportionately labeled as mentally ill and subjected to involuntary treatment, as explained further below,97 which means that prohibitions on gun possession for people with certain histories of mental health treatment discriminate not just on the basis of disability but also have a discriminatory impact on the basis of race, gender, and sexuality.

#### Handgun bans target colored communities. Racist enforcement is bad.

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Further, criminal gun control laws are not neutrally applied. In New York City, people charged with unlawful possession of a firearm are almost all people of color.98 Less than 4% of people charged with this crime are white, while nearly 70% are Black.99 Like illicit drugs, illicit guns can easily be detected through searches—lawful or otherwise.100 Because of racial profiling, people of color are overwhelmingly the targets for “stop and frisks” and other such searches.101 Gender nonconformity, as well as race, can incite suspicion and lead to searches. Not long after the Virginia Tech shooting, a parent reported seeing a white man wearing women’s clothing walking near a school.102 In response, school officials locked down the school, contacted the authorities, and conducted a search for the “suspicious” person.103 A Black trans woman in Oklahoma recently sued after people reported her for walking in the park while wearing women’s clothing and the police arrested her for disorderly conduct.104 A Black trans man whose power wheelchair got stuck in the snow described how the only help any passerby would offer was calling the police, rather than offering to take a minute to help him with a push.105 Trans women of color are routinely stopped and arrested as presumed sex workers, simply because of their gender expression and race.106 Poverty and homelessness also dramatically increase vulnerability to police surveillance and are more prevalent among queer women of color and trans people of color.107 This increased surveillance and suspicion can make queer women of color and trans people of color far more likely to get caught with guns than identically armed white, straight, cisgender men. Gun licensing laws also have been and still are applied discriminatorily. In fact, in many cases, they were originally established specifically for the purpose of depriving Black people of guns.108 According to the amicus brief filed by the Congress on Racial Equality, in St. Louis people perceived as gay, as well as women without the permission of a husband, are routinely denied licenses for guns.109 Gun laws also make guns more expensive. Many gun control laws have prohibited the selling of handguns or other cheaper guns specifically to make them less accessible to communities of color.110 The cost of running background checks and other requirements of and restrictions on manufacturers and retailers can also be passed on to consumers, again making guns less accessible to poor people and to the groups who are more likely to be poor (such as disabled people, people of color, women, trans people, and immigrants).111

#### The aff’s focus with private ownership as opposed to public ownership shifts the blame onto citizens when the real murderer is the good ol’ US of A! [don’t read this, they’ll just perm]

Arkles 13 Gabriel (Associate Academic Specialist at Northeastern University School of Law) “GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL” Southwestern Law Review Vol. 42 2013 <http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf> JW

Discourse around gun control often fails to acknowledge that most guns, as well as more highly destructive weaponry, are actually in the hands of government organizations (military, law enforcement, corrections, and intelligence) as well as some business organizations (security and mercenary). These organizations also cause far more violent deaths and injuries than people acting as individuals do. These guns, which disproportionately threaten trans people of color and queer women of color domestically and internationally,119 would not be restrained at all by current gun control laws and proposals. The overwhelming armaments of many government and corporate entities also make it easier for them to trample the lives and liberties of millions of people without fear of serious reprisal. That, of course, is exactly the point, and has been for a long time.120 While some among the founders may have spoken eloquently about the need for the people to have arms to keep government excesses in check,121 they were no more eager to allow Black people to have weapons they might use to rise up against white supremacy than it seems many in positions of power now are. A serious approach to reducing violence with guns and other weapons would need to start with plans for massive disarmament of government and corporate entities. Some within the UN have been pushing for disarmament for many years, noting also the potential for reducing the violence of poverty through reinvestment in other areas.122 In contrast, grotesquely, some of the recent suggestions and changes made in the name of reducing gun violence would actually increase armed police presence around children. In the wake of Newtown, the NRA suggested armed police in schools as a way to prevent further mass shootings.123 Armed police are already present in many schools in low-income communities of color, which has led to violence and criminalization against children of color, particularly disabled children of color.124 Scaling up these efforts would not help reduce gun violence. Somewhat surprisingly given his political differences with the NRA, some of Obama’s initial actions carry out this plan of increased guns.125 His proposal includes significant funding for more police in schools, a plan that some LGBT youth of color have already organized to oppose.126 As one of the organizers of a protest in Chicago said, “The whole reason we work on this issue is because there are so many brilliant amazing young people who are getting suspended and arrested or fined and pushed out of school and it’s not right.”127 Prioritizing funding for police in schools is particularly alarming in an era when so many public schools are closing for lack of funds.128 Gun violence is a serious issue, including when it is a form of state violence. Rather than building up more guns to perpetrate the violence of incarceration against more people of color, especially trans people of color and queer women of color, our communities deserve an approach that will prioritize control of state and other institutional violence and more meaningful ways to prevent and respond to interpersonal violence.

### Jacobs 04

#### If the aff defends shutting down manufacturing, they must spec the following:

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Prohibition proposals come in different styles and sizes. Prohibiting manufacture of handguns would be the easiest form of prohibition to implement and enforce. The Census of Manufacturers for 1997 shows that there were one hundred and ninety-one small arms manufacturing companies with combined sales of $1.2 billion. The locations of these manufacturers are known. The federal government could order them shut down, subject them to prohibitive taxation (“tax them to death”), or expose them to ruinous tort liability. Their decommission would be easy to monitor. Of course, the government would need to permit at least one private company to continue producing enough handguns for the police and whatever other groups would still be lawfully armed. Alternatively, the government could set up its own handgun manufacturing plant to supply the legitimate market\*

#### Plan causes big black market.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Closing down legitimate manufacturers would be a boon to black market (p.161) producers. Clandestine handgun manufacturers would spring up, just as thousands of illegal stills operated during alcohol prohibition, and hundreds or thousands of clandestine labs now produce unlawful mood and mind-altering drugs like amphetamine and ecstasy. Even today, “zip guns” are produced or assembled in small workshops within the United States.\* These black market manufacturers, already illegal, operate outside any regulatory scheme for recordkeeping, serial numbers, safety locks, or taxation.

#### Prohibiting imports causes smuggling.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Implementing a prohibition on importation of handguns would be even more difficult. Without (or with sharply diminished) domestic U.S. sources for new handguns, there would be a greater economic incentive for smugglers to bring in handguns from abroad. Is there any reason to believe that customs officials and other law enforcement personnel would be more successful in preventing handgun smuggling than in preventing drug smuggling? I think not. Contraband handguns, like illicit drugs, would enter the country illegally in seaborne containers, trucks, cars, planes, and by mail. (Currently, there are firearms black markets in Western Europe, where handguns smuggled from Eastern Europe and the former Soviet Union are easily obtainable in Amsterdam, Brussels, and other cities.)16

#### Just banning sales & manufacturing makes no sense. Gotta ban possession also.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Prohibiting the Sale of Handguns All handgun prohibition proposals discussed in this chapter include a ban on the sale of handguns. A sales prohibition would necessarily have to prohibit every type of commercial transfer, lest the ban be circumvented by leasing and renting. But even that expanded proscription would be incomplete. Banning just commercial transfers would not prevent handguns from being transferred by nondealers to new owners as gifts or barter. Therefore, an effective “sales” prohibition should encompass a ban on gifts and lending as well. No doubt once a sales prohibition seemed like a realistic possibility, (p.162) some people (including profiteers and ideological opponents of the prohibition) would purchase large quantities of handguns in order to supply the post-sales prohibition demand. Prohibiting Possession of Handguns Proponents of handgun prohibition ought to see little point in banning the manufacture and sale of handguns without also banning possession. Failure to ban possession would leave the existing private sector stock of handguns intact. Moreover, if handgun possession was undisturbed, following the model of National Alcohol Prohibition, there would be a tremendous opportunity for blackmarketeers to meet the demand for handguns with weapons imported from abroad or produced in clandestine workshops. The new handguns and handgun possessors would blend in with the existing handguns and their possessors. The moral coherence of this form of prohibition would be weak; tens of millions of owners would be allowed lawfully to possess guns, while younger people would be treated as criminals for doing the same thing. Criminalizing the possession of handguns, along with the manufacture and sale, would conform the gun prohibition paradigm to the regime that currently covers illicit mind- and mood-altering drugs. Prohibition that includes a ban on possession would commit the country to disarming the citizenry. The Dellums and Bingham bills say that 180 days after the law becomes effective, it would be a crime to possess a handgun. In one fell swoop, tens of millions of Americans would be prosecutable, unless they surrendered or destroyed their arms.

#### Massive non-compliance-empirically confirmed.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

We can get a sense of the magnitude of the compliance problem by looking at the success of our current prohibition on possession that applies to persons with a felony record. Hundreds of thousands, perhaps millions, of ex-felons currently possess handguns illegally, despite the federal felonin- possession law's threat of a 10-year maximum federal prison sentence. We can also obtain a perspective on compliance by looking at what happened when, in 1995, several states required registration of assault rifles. In California, only 10% of about 300,000 assault weapons owners registered their weapons.17 Cleveland and Boston achieved an estimated 1% compliance rate. Denver authorities registered 1% of 10,000 assault rifles.18 The estimated 100,000 to 300,000 New Jersey assault rifle owners registered 947 assault rifles, rendered 888 inoperable, and turned over 4 to law enforcement personnel. It should be emphasized that these assault rifle laws were implemented in states that had produced legislative majorities for such gun controls. A federal registration requirement would (p.163) have to be enforced in states where handgun prohibition could not command a legislative majority. In those states, noncompliance would be an even greater problem, and police and prosecutors, charged with enforcing the prohibition, would have to confront jurors’ hostility.\*

#### Court clog-ppl sue the gov’t.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Prohibition would face constitutional litigation all over the country. Most gun owners (rightly or wrongly) believe that they are exercising a constitutional right.19 Even a Supreme Court decision, rejecting the contention that the Second Amendment guarantees law-abiding individuals the right to keep and bear arms, would not shake millions of citizens’ belief that gun ownership is a right of American citizenship.

#### Plan has to be federal//who can even do the aff?

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

After the Supreme Court's decision in Printz, rejecting federal authority to order state and local officials to conduct background checks, National Handgun Prohibition might have to be a completely federal program.22 What kind of a federal enforcement agency would be needed to investigate and deter unlawful handgun possession? Currently, most illegal handguns are seized as a consequence of street or car stops made by local law enforcement agents; a frisk reveals the gun.23 Routine car and street stops are (p.164) not the province of federal agents, who lack general street-level policing authority and experience. Perhaps BATF could be expanded into a super nationwide street-level police agency with tens of thousands of new agents? Such a move would have to overcome the opposition of the NRA, gun owners, some members of Congress, and others who excoriate BATF agents as “jack-booted minions.”\* It would also have to overcome those who oppose expanding federal power and expending a great deal of federal funds. Undoubtedly, there would be opposition and resistance from fringe elements, who for years have warned of a colossal and despotic federal government. The number of militia groups would probably grow, with the potential for Waco-type standoffs and shootouts.24

#### Passive enforcement.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

These potential problems suggest that passive enforcement might be a better alternative. BATF agents might make no special effort to identify and arrest handgun possessors. They could simply make arrests when handguns come to light in the course of investigations of other crimes. Of course, that is not much different than the way federal and state felon-inpossession laws are currently enforced.

#### Prosecutors/jurors will nullify.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Some prosecutors, for political or practical reasons, would hesitate to prosecute unlawful possession cases, just as prosecutors today do not prosecute every drug possession case. They would face serious difficulties convicting defendants with no criminal record who claim to possess a gun for self-defense or sport. Currently, federal prosecutors decline to prosecute a high percentage of charges even against persons with felony records when, though possessing firearms illegally, the arrested person has committed no other crime.25 It would be much more difficult to convince federal or state prosecutors to bring charges against otherwise lawabiding persons for merely violating National Handgun Prohibition. Even if prosecutors brought charges, it would be difficult to get unanimous guilty verdicts from jurors who, in many states, would be inclined to nullify the unpopular law.

#### Could just be a misdemeanor.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Perhaps enforcing unpopular, or at least controversial, handgun disarmament could be made easier by setting the punishment low. If illegal possession of a handgun were treated as a misdemeanor or administrative violation, punishable by a small fine, say $250 or $500, jury trials could be avoided altogether. However, under that scheme, people who were (p.165) committed to keeping their handguns would be no more deterred from violating the gun law than from violating the speed limit.

### Harwood 02

#### NB 1 to perm

Harwood 02 William (attorney in Portland, Maine. He is President of Maine Citizens Against Handgun Violence and a member of the American Bar Association Coordinating Committee on Gun Violence) “Gun Control: State Versus Federal Regulation of Firearms” Maine Policy Review Volume 11 | Issue 1 <http://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1256&context=mpr> JW

Given this relative equilibrium in the advantages of state versus federal regulation, it may be best not to view the problem as one requiring an “either/or” solution. It may not be useful to attempt to determine whether the federal or state government is better positioned to regulate firearms and then give “the winner” sole responsibility for doing so. Instead, gun violence may be better addressed by state and federal governments working together. Because the social problems presented by firearms range from suicide to child safety to domestic violence, it may be preferable to use both federal and state regulation, in a coordinated effort, to reduce the number of victims of gun violence. Under a coordinated federal-state approach, the federal government would set regulations which would serve as the minimum or floor. Because these federal regulations would apply uniformly throughout the country, all dealers and gun owners would be required to comply with these federal laws. However, states would be free to impose stricter regulations if they wished to do so. For example, the federal government may prohibit gun dealers from selling to those convicted of a felony. But states could go further and prohibit sales to those convicted of either a felony or a misdemeanor. In essence, the states could serve as laboratories for experimenting with new regulations while the federal government would take the more conservative approach of only adopting regulations that enjoyed broad public support throughout the country. If state regulations proved successful at reducing gun violence, they would then become candidates for inclusion in the federal regulations. Once enough states—particularly those with large consumer markets—adopted similar regulations, gun dealers and owners would be more willing to accept those regulations being adopted by the federal government and thereby put into effect in all fifty states. Under this scheme the federal government would allow individual states to aggressively address the problem of gun violence but would also provide a firm floor beneath each of the states’ programs.

#### NB 2 to perm

Harwood 02 William (attorney in Portland, Maine. He is President of Maine Citizens Against Handgun Violence and a member of the American Bar Association Coordinating Committee on Gun Violence) “Gun Control: State Versus Federal Regulation of Firearms” Maine Policy Review Volume 11 | Issue 1 <http://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1256&context=mpr> JW

In addition to the federal government providing the minimum floor and the states experimenting with tougher regulations, the federal government and states would cooperate on another level. Specifically, under a coordinated federal-state approach, the federal government would concentrate on regulating firearm manufacturers and commercial dealers, and the states would concentrate on private ownership and use of firearms. Because of the need for uniformity in setting standards for the manufacturer of firearms, it would be preferable for the federal government to set those standards. Conversely, when adopting regulations for the safe storage of firearms inside the home or transfers of guns between collectors or friends, there is much less need for uniformity and much greater opportunity for regulation to be tailored to reflect the specific values and customs of a particular state.

#### NB 3 to perm

Harwood 02 William (attorney in Portland, Maine. He is President of Maine Citizens Against Handgun Violence and a member of the American Bar Association Coordinating Committee on Gun Violence) “Gun Control: State Versus Federal Regulation of Firearms” Maine Policy Review Volume 11 | Issue 1 <http://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1256&context=mpr> JW

Finally, the coordinated federal-state approach would include a coordination of enforcement activities by the two levels of government. For example, if the federal government decided for reasons of fiscal prudence not to devote enough resources to properly enforce federal regulations, the states would step in. If there were not enough ATF agents to inspect the records of the federally licensed gun dealers in a particular state to ensure compliance with federal regulations, the state police or some other state law enforcement agency would begin doing so.

#### States can’t do the aff

Harwood 02 William (attorney in Portland, Maine. He is President of Maine Citizens Against Handgun Violence and a member of the American Bar Association Coordinating Committee on Gun Violence) “Gun Control: State Versus Federal Regulation of Firearms” Maine Policy Review Volume 11 | Issue 1 <http://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1256&context=mpr> JW

The states present a different challenge. Unlike ATF, there are thousands of state and local law enforcement officials and police officers already at work in the states. However, their duties extend well beyond the regulation of firearms. Given their broad jurisdiction, it is not clear that state and local police are well positioned to mount the kind of specialized and focused campaign that may be needed to significantly reduce the level of gun violence. Furthermore, as described above, gun violence is a multifaceted problem, and state and local police may not have the training or resources necessary to carry out a regulatory program aimed at preventing suicides, domestic violence and children’s accidents.

### DeBrabander 15

#### Gun culture exists because of lax regulation.

DeBrabander 15 Firmin (professor of philosophy at the Maryland Institute College of Art) “Do Guns Make Us Free?” Yale University Press 2015 JW

Consider the following facts and figures, and what they say about Americans’ deep love affair with guns—or rather, I should say, the love affair of some with guns. For despite the dominance of gun culture in America, and in particular the profusion of guns and gun- friendly laws, this love affair is progressively limited to a smaller slice of the nation. There are between 270 and 310 million privately owned firearms in the United States.7 Conservative calculations put the rate of gun ownership in America at 88 guns per 100 people, easily the highest rate in the world; the second most armed nation is Yemen, which lags quite far behind, at 55 per 100 people.8 The U.S. has the highest number of gun- related deaths among twenty- seven developed nations, according to a 2013 study, at 10 per 100,000.9 In Switzerland, which is the next best armed among the developed nations, there are 45.7 guns per 100 residents, and 3.84 fi rearm- related deaths per 100,000 people.10 Japan has the lowest gun ownership rate in the developed world, with 0.6 guns per 100 residents, and 0.06 gun- related deaths per 100,000 residents.11 Most fi rearm- related deaths in America are suicides. The Centers for Disease Control reports that in 2010, there were 6.3 fi rearm- related suicides per 100,000 people, and 3.6 fi rearmrelated homicides per 100,000.12 The profusion of guns in America has a lot to do with lenient laws regarding their purchase, of course—and, critics complain, the high number of gun- related deaths and injuries has to do with lenient laws regarding safety training and storage, as well as inadequate or faulty efforts to keep guns out of the hands of criminals and the mentally ill. Anyone who wishes to purchase a gun from a licensed dealer must undergo a background check through the federally administered National Instant Criminal Background Check System (NICS), which can be completed in a matter of minutes. As one licensed fi rearm dealer from Maryland explained, prospective buyers are not even required to provide their Social Security number to run a background check—and information about illegal drug use derives from whatever answers they may volunteer.13 After receiving rudimentary information about the buyer, the FBI runs a background check. The Maryland dealer says: “They give me a ‘yay’ or ‘nay,’ and out the door you go. . . . It’s quick and easy. And we take credit cards.”14 The NICS is supposed to prevent the mentally ill from purchasing guns, yet it often fails to do so. The NICS relies on states to provide it with mental health records, but most states do not supply this data.15 Numerous gun transactions in America occur without background checks. For one thing, the FBI has a three- day window in which to perform the background check; if it cannot do so, the prospective buyer may return to the licensed dealer and purchase the weapon in question.16 And then there are the many private transactions where no background check is required whatsoever—most notably at gun shows. It is diffi cult to determine how many guns in America exchange hands this way. Corinne Jones, reporting for CNN, states that 20 percent of fi rearm transactions in America are private; 17 former New York City mayor Michael Bloomberg put the fi gure at 40 percent.18 Criminals have easy access to guns through what law enforcement calls “straw purchasers.” As reporter Frank Main describes them, writing on the fl ood of illegal guns in Chicago, these are “men whose full time job in the underground economy is to buy guns from suburban stores and illegally sell them to criminals.”19 The result is that “most of the guns recovered in crimes in Chicago were bought in suburban gun stores.”20 Because police often seize these weapons and gang members quickly discard them after a crime, Main points out, there is constant high demand for guns in Chicago—as in other cities with high crime rates and a bustling drug trade—which suppliers are eager and happy to meet. Guns easily fl ow in this manner from jurisdictions with lax gun laws to those with stricter ones. Other developed nations have made it much more diffi - cult for individuals to purchase—and keep—guns. Australia has a rate of 15 fi rearms per 100 people, and 1.04 fi rearmrelated deaths per 100,000.21 If an Australian citizen wishes to buy a gun, he must take a safety course beforehand and prove “genuine reason” for owning a gun, beyond self- defense.22 Furthermore, he must apply for a permit for each fi rearm he wants to purchase, and undergo a twenty- eight- day waiting period before approval is given.23 Australia forbids the private, unregulated sale of fi rearms and restricts the amount of ammunition individuals may buy in a given period.24 In addition, Australians are required “to comply with storage requirements” for their guns and submit to “an inspection by licensing authorities of the licensee’s storage facilities.”25 Canada has a relatively high rate of private gun ownership at 30 per 100 people, but only 2.44 gun- related deaths per 100,000 citizens.26 Canadians who wish to purchase a gun must pass a fi rearms safety course and seek out a third- party reference as part of a process of applying for a fi rearms license—a license that must be renewed every fi ve years.27 Canada requires that guns be unloaded when stored, and secured with a locking device or locked in a cabinet.28 In the United States, by comparison, only eleven states require residents to obtain a permit or license in order to buy a gun.29 Of these, eight require safety training.30 Only three states impose any restrictions on the number of guns residents can buy in a given time period: California, Maryland, and New Jersey, as well as the District of Columbia, limit purchases to one handgun per month.31 Eleven states have laws concerning the safe storage of guns—but these mostly require “locking devices to accompany certain guns manufactured, sold, or transferred.”32 Massachusetts alone stipulates that residents store their guns with a lock—and this is not subject to inspection or enforcement.33

#### The NRA uses gun violence as an excuse to pass lax gun regulation.

DeBrabander 15 Firmin (professor of philosophy at the Maryland Institute College of Art) “Do Guns Make Us Free?” Yale University Press 2015 JW

While the rates of gun ownership are falling, the gun rights movement has made great advances in legislation and policy. Across the nation, the movement is working aggressively to relax gun laws so that gun owners may bring their weapons to a wider array of public spaces. The goal, it would seem, is to make guns an omnipresent, normal feature of everyday life. Gun rights advocates use the occasion of mass shootings to justify this development: after Sandy Hook, for example, they claimed we needed more guns in public spaces, not fewer. The NRA proposed placing armed guards in every school in America, or alternatively, arming teachers and staff. Even as fewer Americans own guns, gun rights advocates steadily march us to that day when armed individuals will be a common sight, in settings where we might least expect—or welcome—them.

#### We can’t overthrow the ruling class with handguns.

DeBrabander 15 Firmin (professor of philosophy at the Maryland Institute College of Art) “Do Guns Make Us Free?” Yale University Press 2015 JW

We should, of course, be concerned that our government might turn tyrannical. And we should be worried that if it does, it has the most powerful military on earth at its disposal. But 300 million guns in the hands of a motley assortment of individuals will not depose such tyranny or deter our ruling class from amassing power—especially since the public at large is hardly united against tyrannical government. Yet gun rights advocates inadvertently raise an important question here, which I will take up in the fi nal chapter: what would equivalent force look like today? What power at the people’s disposal would be suffi cient to hold a tyrannical government in check or, better yet, prevent it from emerging in the fi rst place?

#### Gun ownership gives police a pretense for brutality.

DeBrabander 15 Firmin (professor of philosophy at the Maryland Institute College of Art) “Do Guns Make Us Free?” Yale University Press 2015 JW

This leads to another reason guns are inimical to protest: they might incite police to react roughly, as has happened many times in the past, even when rallies were nominally or largely peaceful. What if the protesters had been armed at the Democratic Convention in Chicago in 1968—where police, goaded by the defiant mayor, were already itching for a confrontation— or in Seattle in 2000, when police battled anarchists smashing store windows? What if the Occupy Wall Street protesters had stashed guns in their tents before the New York City Police Department descended on Zuccotti Park to disband their encampment? We cannot imagine guns in each of these cases because the police never would have allowed such protests in the fi rst place. Police typically justify rough treatment of protesters by saying the latter had become unruly, violent, abusive, and posed a threat to the larger community. In many cities in 2011, police departments broke up Occupy camps on the grounds that they were becoming dangerous. Guns in the hands of protesters only strengthen the police’s case for subduing protest. Further, consider the prospect of armed protesters in the face of our increasingly militarized police. Many observers of the Occupy movement commented on the militaristic approach taken by police, especially in disbanding the protests. A New York Times article entitled “When the Police Go Military” offered a summation: “Riot police offi cers tear- gassing protesters at the Occupy movement in Oakland, Calif. The surprising nighttime invasion of Zuccotti Park in Lower Manhattan, carried out with D- Day like secrecy by offi cers deploying klieg lights and a military- style sound machine. And campus police offi cers in helmets and face shields dousing demonstrators at the University of California Davis with pepper spray.”89 The article went on to say that such actions stem from years of police department build- up during the War on Terror. Facing the possibility of a domestic terror attack and showered with money from the Department of Homeland Security, police departments across the country have bulked up on military gear—even in small towns—and shown greater readiness to employ SWAT teams for all manner of incidents, including nonviolent protests.90 In his book The Democracy Project, activist David Graeber writes of the anomalous presence of a SWAT team at a small Occupy protest soon after the Zuccotti Park sweep. Cato Institute fellow Timothy Lynch complains of an increasingly “militaristic mind- set” among police, apparent in “the way they search and raid homes and the way they deal with the public.”91 Lynch goes on to explain that “the more police fail to defuse confrontations but instead help create them—be it with their equipment, tactics or demeanor—the more ties with community members are burned. . . . The effect is a loss of civility, and an erosion of constitutional rights, rather than a building of good will.”92 The journalist Radley Balko quotes a New Hampshire resident critical of his town’s plan to purchase a BearCat (a kind of armored vehicle) for its police department: “It promotes violence. . . . We should promote more human interaction rather than militarize.”93 A militarized police, according to Lynch, endangers civility on both sides. Sending a SWAT team to a nonviolent, gun- free protest is an uncivil gesture by the police; it is an expression of deep suspicion. At the very least, it is a demonstrative threat to the protesters not to get out of hand—or, as Graeber argues, if the protesters are obviously peaceful, a SWAT team is a heavy- handed attempt to threaten them into protesting less vocally—or just less. Further, as Lynch suggests, militarized police are more likely to create than defuse confrontation. It is diffi cult to imagine how armed protesters, in the face of a SWAT team, could make the situation better for the protesters and uphold their right to speech. An armed protest facing a SWAT team is a combustible mixture; the presence of guns provides a perfect excuse for the police to crack down. Police were happy to disperse Occupy camps on far lesser grounds, including supposed public health threats. Imagine what they would do in the face of AR- 15s. Even if they did not physically confront armed protesters, what would protest look like under those circumstances? I can’t imagine that it would be anything we could describe as free. To the contrary, it would be unbearably tense, electric, and ultimately muted as a result of the weaponry. But of course, police would outlaw protest in the fi rst place, if protesters were armed. We can only exercise the right of assembly if assembly is nonviolent. When guns are present, especially among protesters, both assembly and free speech quickly vanish.

### Hayden 14

#### Federal law’s insufficient on toy gun regulation—loopholes.

Hayden 14 Jen “The real danger of toy guns” 7-11-14 Daily Kos <http://www.dailykos.com/story/2014/7/11/1313296/-The-real-danger-of-toy-guns> JW

Federal law requires that these airsoft guns and other realistic-looking toy guns feature a blaze-orange marking, at least 6 millimeters in length, permanently affixed to the exterior surface of the barrel. The same law does not make it illegal to remove or alter that orange tip, meaning those who buy these guns and wish for a more realistic look can paint that orange tip, cover it with tape or simply remove it. The editorial board rightly concluded that more needs to be done to prevent tragic situations like those listed: We would urge lawmakers to take a careful look at this situation.

### Randolph 15

#### Imitation toy guns cause violent crime.

Randolph 15 Eleanor “Toy Guns Can Be Dangerous, for Real” NY Times 8-3-15 <http://takingnote.blogs.nytimes.com/2015/08/03/toy-guns-can-be-dangerous-for-real/> JW

A toy gun is supposed to look like a toy — not a gun. In New York, it cannot be black, blue or silver. It should have bright neon colors in New York City, and a strip of orange around the barrel in the state. That’s the law. Yet, the office of New York’s Attorney General Eric Schneiderman found that retailers had sold more than 6,400 toy guns to New York families in the last three years that looked all too real. If you have not seen what some businesses sell as a fake weapon, look up “toy gun” on the Internet. These are not see-through plastic water pistols. They are replicas of assault rifles, shotguns and handguns that could fool all but a gun expert, especially at a distance. The toy gun problem become national issue after Tamir Rice, a 12-year-old who was carrying a toy gun in a local park, was shot and killed last November by Cleveland police who mistook the toy for a real weapon. Mr. Schneiderman’s team found that over the last two decades in New York, there have been hundreds of crimes committed with fake weapons and 63 shootings “as a result of someone holding a toy or imitation weapon.” Eight of those encounters were fatal. On Monday, Mr. Schneiderman announced an agreement with five major retailers — Walmart, Kmart, Amazon.com, Sears and ACTA, a California-based company that operates toy websites — to stop sales of these imitation guns and pay more than $300,000 in fines. This is good start. Mr. Schneiderman has also said that his office will continue to monitor stores and websites that fail to ban sales of imitation weapons to New Yorkers. Other states, including California, are also working to restrict sales of fake guns, which can be hazardous, especially to the person holding them.

### Fisher 14

#### Toy gun are reflective of our culture of violence and hypermasculinity.

Fisher 14 Marc (senior editor at WashPost) “Bang: The troubled legacy of toy guns” Washington Post 12-22-14 <https://www.washingtonpost.com/lifestyle/style/bang-the-troubled-legacy-of-toy-guns/2014/12/22/96494ea8-86f8-11e4-9534-f79a23c40e6c_story.html> JW

The basic sales pitch for toy guns — an appeal aimed especially at fathers who have their own rich memories of play-shooting — has remained unchanged for a century: “Toy guns were a rite of passage for boys to become men,” says Cross, the Penn State historian. “For many years, that was something admirable. But these days, it suggests a quality of violence or aggression that people are very uncomfortable with, especially as we have idolized the idea that children are cute and innocent.” Toy guns still sell by the millions, although Murfin says Daisy’s sales “aren’t what they once were” in urban and suburban America. In rural areas, he says, “there’s still good growth.” Toy and BB gun sales are “a red-state phenomenon now,” says Cross, who sees a simultaneous decline in hunting culture and in “these old concepts of masculinity.” Gottlieb, the toy consultant, looks at the persistence of toy guns’ popularity around the globe and concludes that “all kids have basic needs to act out their fears of adulthood. For girls, it’s sexuality and social interaction. For boys, it’s death and dying. These are essential play patterns. They’re going to be acted out somewhere because the thought of going to war and getting killed is scary. A lot of this has moved to first-person shooter video games because toy guns have become taboo and play has moved indoors. But as a culture, we still want to shoot.”

### lawyers.com

#### The plan is a ban-we have a solvency advocate that uses the term of art.

lawyers.com “New York Targets Illegal Sales of Toy Guns” http://criminal.lawyers.com/criminal-law-basics/new-york-targets-illegal-sales-of-toy-guns.html

To help prevent the dangers posed by toy guns, federal law requires fake guns to be transparent, brightly colored, or have a bright orange tip at the end of the barrel. New York state law goes further to ban toy guns that are black, blue, silver, or aluminum, and toy firearms must have bright orange stripes that run up both sides of the barrel.

### Stokes 16

#### Smartguns suck-they get jailbroken, decrease reliability, and won’t get purchased.

Stokes 16 Jon “Will smart guns make us less safe?” 1-17-16 LA Times [http://www.latimes.com/opinion/op-ed/la-oe-0117-stokes-smart-gun-problems-20160117-story.html#](http://www.latimes.com/opinion/op-ed/la-oe-0117-stokes-smart-gun-problems-20160117-story.html) JW

The bad news for anyone looking to the smart gun as a technological quick fix for gun violence is that, absent a government mandate requiring all guns to be “smart,” a robust market is unlikely to materialize. And even if new laws were to require that all new firearms include smart gun tech, many proposed smart systems would actually make us less safe. The primary objection that American gun buyers have to smart guns is that any integrated electronic locking mechanism will necessarily decrease a gun's reliability by introducing more points of failure. Smart gun proponents are quick to dismiss these concerns as overblown, but they don't seem to understand how all-important reliability is to gun buyers, or how difficult it is for even premium gun makers to mass-produce weapons that will function smoothly under the most adverse conditions. Every gun owner who has put enough rounds down range has had his favorite firearm fail to go "bang" when he pulled the trigger. Every gun owner who has put enough rounds down range has had his favorite firearm fail to go “bang” when he pulled the trigger. These failures can happen to the very best semiautomatic weapons in the final round of a competition, in the heat of battle, or when a trophy buck is in the hunter's sights. Weapon malfunctions are such a widely acknowledged reality that basic training courses typically explain how to rapidly troubleshoot such failures during a gunfight. Gun owners are terrified of anything that might make their guns less reliable. And when they consider the frequency with which their $700 smart phone's fingerprint scanner fails when presented with a clean, dry, perfectly-positioned thumb, they rightly conclude that putting any type of electronic lock on their Glock will likely make them less secure, not more. For the sake of argument, however, let's say that the reliability objection to smart gun technology has been definitively addressed, and that there exists an electronically lockable gun that's practically flying off the shelves. Such technology would not dependably stop unauthorized users from firing stolen weapons, for the simple fact that every piece of locked-down consumer technology that has ever been introduced — from the DRM schemes that encrypt Blu-ray disks to the software locks intended to keep users from installing illicit software on their iPhones — has been “jailbroken” and can be defeated by anyone with a little time and access to YouTube. As impossible as sealed electronic gadgets are to secure against tampering, guns are even more hopeless, because firearms are mechanical devices that are designed to be disassembled for regular cleaning and repair. Once a gun has been broken down, any component that prevents it from firing can be filed off, taped over, replaced, or otherwise circumvented. Smith & Wesson users, for instance, routinely remove the integrated mechanical locks that the Clinton administration convinced the gunmaker to add to its popular family of revolvers. Smart gun technology can and will be jailbroken — but that isn't even the worst consequence of this particular “safety” trend. The bigger problem lies with smart guns that are designed to connect to another device, either to obtain permission to fire or to alert authorized users to the gun's location. Technology companies warn that if they create a “back door” in their encryption products for government agents, they're also creating a possible “back door” for criminals. Just so, any capability we give authorized gun users can and will be exploited by unauthorized users.

### Cottrol 14

#### Guns are a crucial tool of African-American self-defense.

Cottrol 14 Robert J. (Harold Paul Green Research Professor of Law and Professor of History and Sociology, The George Washington University) “SECOND AMENDMENT: NOT CONSTITUTIONAL DYSFUNCTION BUT NECESSARY SAFEGUARD” Boston University Law Review Vol. 94:835 pp. 835-848 JW

We should approach the notion that it cannot happen here with due humility. The United States has been spared the reign of mad dictators bent on subjugating, terrorizing, and destroying whole populations. But state tyranny protect unpopular groups from violence by hostile majorities. A number of scholars, myself included, have written about this from the perspective of the Afro-American experience, and how a right to arms played an important role in mitigating racial violence during the Jim Crow era and in providing the physical protection that enabled the voter registration efforts and other activities of civil rights workers in the South in the 1950s and 1960s.54 These examples should not be disregarded as simply historical examples from a past that is now mercifully, or hopefully, far behind us. Instead they should be seen as case studies in the need for vulnerable minorities to have the means of selfdefense. The names of the minorities who might have such needs will change over time, but the principle that there is a need for the means of self-defense, that it should not be taken away, and that it is dangerous to force a people to rely solely on the state for protection, remains sound policy, and not an example of constitutional dysfunction.

### Cararra 05

#### Handgun bans give more power to the police—the alt is community wide arming and self-defense initiatives.

Cararra 05 Chris “An Anarchist Case Against Gun Control” 1-1-05 <http://theanarchistlibrary.org/library/chris-cararra-an-anarchist-case-against-gun-control> JW

The other people who benefit from gun control are the police. Without an armed populace they can freely stop, search, and harass peaceable people, invade their homes, order them from and search their vehicles, and confiscate their property without any fear of reprisal. In order to combat such state-sponsored terrorism, wholesale abolition or evasion of gun control laws and widespread ownership of guns is crucial. While individual possession of firearms may deter routine traffic stops and harassment of peaceful people on the street by cops, it is important that any larger-scale attempt at armed self-defense against police or other agents of the state involve more than just a few individuals. If small groups try to defend themselves against police attacks, they can expect military-style assaults on their homes, as was demonstrated in Philadelphia in the MOVE bombing and in Waco in the attack on the Branch Davidians. Only a coordinated neighborhood- or community-wide response has a chance of preventing or resisting such an offensive. Laws regulating handgun possession and use have helped keep people from fighting against their social and political oppressors. Bans on sales of cheap handguns, so called Saturday night specials were instituted historically to keep weapons out of the hands of peaceable poor people, who often were not able to afford more expensive guns and rifles. This at one time left southern black people at the mercy of the KKK, and workers of all colors no defense against the thugs hired by business owners during strikes and industrial actions. Related militia laws helped destroy the Lehr-und-Wehr-Verein armed organization in Chicago in the 1800s, a group organized to defend against police attacks on rebellious workers, which included anarchists among its members. While it is certainly easier for poor people in the United States to afford more expensive handguns than was once the case, modern attempts to outlaw cheaper weapons, despite protestations of concern for the safety of the user, will make it harder for those most in need to purchase a gun, rendering them much less safe than they would be if they were free to defend themselves. While all kinds of peaceable people are put at increased risk by not having the freedom to own and use firearms, some of those most victimized by legal restrictions on handguns have been women who are attacked by lovers or spouses. Such relationships are complicated. The victimized partners do not always want to or are not yet ready to force a change of behavior in, or end their involvement with, the person hurting them. In such situations nothing can be done to protect the person at risk. However, when a physically abused women decides it is time to fight back, and goes to the police, she is routinely told to get a restraining order, which is not worth the paper it is printed on. The police are unable to protect these women even if they wished to. The only way for them to have a fighting chance is for them or their friends and defenders to have access to firearms and be prepared to use them. Another group of people at increased risk of violence who would profit from abolition of gun control laws are cabbies. While many business owners are able to get handgun permits to protect their businesses and money, cabbies are generally prohibited from carrying weapons, even though they are more isolated and vulnerable than shop owners. In many cities the local police make the decision about who can and cannot carry a handgun, and require that applicants for permits to carry a gun for self-defense demonstrate that they are responsible for large sums of money for payrolls, bank deposits...or the transportation of very valuable merchandise in their business. This policy has usually been interpreted as not applying to taxi drivers or virtually anyone else who seeks a gun permit for self-defense, no matter how risky their working or living situation may be. Apparently the police think a store owners receipts are more valuable and worthy of protection than the life of a cabby (or anyone else who doesn’t pass their economic test, for that matter). Cabbies are required, by law, to take any potential fare anywhere they ask, and are therefore at least as likely to end up in a dangerous situation as any business owner or banker. They can then be victimized on a deserted street, by an armed thug, and yet the police won’t let them have the means to defend themselves. The police and the laws which support them tell peaceable individuals that they must rely on cops for their protection. Then they either fail to protect, of themselves victimize, those they are mandated to watch over. Even if they did a better job, however, they would still have no right to prevent people from looking out for themselves. No one is asked if they agree to turn their protection over to someone else, and the police presume to serve and protect the populace without their consent. Free people must be free to arm and defend themselves with the weapons they choose. While making all of society less violent, by changing the social conditions which breed various sorts of predation and abolishing political coercion, is the best way to stop aggressive acts, until then people should be able to have access to the means to defend themselves, including firearms.

### Libertarian Party

#### Gun control is coercive.

Libertarian Party Issues: Gun Law s<https://www.lp.org/issues/gun-laws> JW

Libertarians, like other Americans, want to be able to walk city streets safely and be secure in their homes. We also want our Constitutional rights protected, to guard against the erosion of our civil liberties. In particular, Libertarians want to see all people treated equally under the law, as our Constitution requires. America's millions of gun owners are people too. Law-abiding, responsible citizens do not and should not need to ask anyone's permission or approval to engage in a peaceful activity. Gun ownership, by itself, harms no other person and cannot morally justify criminal penalties. Constitutional Rights America's founders fought the Revolutionary War to throw off British tyranny. Most of the revolutionaries owned and used their own guns in that war. After the war, in 1789, the 13 American States adopted the Constitution, creating the federal government. Before ratifying the Constitution, the people demanded a Bill of Rights to prevent our government from depriving them of their liberties as the British had done. One of the most important protections we have against government tyranny is that we are presumed innocent of any crime until proven guilty, before a jury, in a proper trial. Gun control advocates would declare all gun owners guilty without trial, simply for owning guns, even though millions of them have never used their guns to harm another person. Such blanket condemnation is immoral, unfair and contrary to the principles on which America was founded.

### DeBrabander 15

#### The claim that we need guns to protect ourselves from tyranny distracts away from biopolitical oppression like the surveillance state. Vote affirmative to reject the notion that guns can create any meaningful form of freedom.

DeBrabander 15 Firmin (professor of philosophy at the Maryland Institute College of Art) “Do Guns Make Us Free?” Yale University Press 2015 JW

In the War on Terror, the U.S. government has claimed broad rights to survey the civilian population. The ACLU laments the rise of “America’s Surveillance Society” in a report of the same name: since 2001, the FBI has compelled Internet service providers, banks, and others to provide sensitive private information about their clients, all “without prior court approval and without probable cause”; the National Security Agency (NSA) carries out “warrantless surveillance of Americans’ international telephone calls and e- mails”; and the American public is subjected to “pervasive video surveillance.” 46 “An increasing number of American cities,” the report states, “have spent taxpayer dollars to create elaborate camera and video surveillance systems designed to monitor public places such as parks, plazas and sidewalks. Governments are also accessing images collected by privately- owned camera and video systems.”47 Following the Boston Marathon bombing, law enforcement used widespread access to private cell phone videos and photos taken at the site, together with footage from surveillance cameras from businesses, to track down the perpetrators. This seemed a reasonable approach, the Boston police commissioner opined, since the site of the marathon was “probably one of the most photographed areas in the country” that day.48 By allowing us to record ourselves and those around us abundantly, digital technology fashions a tantalizing network for government to tap into if it wishes. Digital technology has also given rise to billions of communications—e- mails, tweets, text messages, Facebook updates, and good old phone calls—all of which are available for surveillance. Through such communications, twentyfi rst- century Americans conduct their increasingly public lives; “private life” conducted on the Internet or through mobile phones is not private at all. The GPS signals in our cell phones make our location perpetually known—and it turns out that law enforcement has access to that information. We happily indulge in these media, of course, because of the wonderful conveniences they provide, but in so doing, we offer government all the information it might care to learn about us. In 2012, Wired magazine called the information the NSA aims to collect about us “digital pocket litter”: Flowing through [the NSA’s] servers and routers stored in near- bottomless databases will be all forms of communication, including the complete contents of private emails, cell phone calls, and Google searches, as well as all sorts of personal data trails—parking receipts, travel itineraries, bookstore purchases. . . . It is, in some measure, the realization of the “total information awareness” program created during the fi rst term of the Bush administration—an effort that was killed by Congress in 2003 after it caused an outcry over its potential for invading Americans’ privacy.49 The Wired article was prescient. A year after its publication, a prominent leak by a private NSA contractor revealed that the agency was engaged in just such immense data collection and analysis—“secret blanket surveillance,” as Al Gore put it, which he declared “obscenely outrageous.”50 Government offi cials claimed that the NSA had not violated anyone’s civil rights because it was only storing the communications and analyzing the “metadata”—that is, as Hendrik Hertzberg observed in the New Yorker, “the time and duration of the calls, along with the number, and potentially the locations of the callers and the called,” all of which is analyzed to detect suspicious patterns.51 The agency, as of 2013, still needs a judicial warrant to inspect the contents of communications it deems suspicious. Yet this is still plenty of information the government is amassing about private citizens. This metadata tells an awful lot about a person: whom he is contacting and associating with, where, and when— where he is parking, where he is going, when he is traveling, and much else. Washington Post reporter Barton Gellman argues that government monitoring of metadata is in fact “more intrusive”: I would much rather someone listen to my phone calls for a month than to have them map who I’ve talked to, where I went, all my connections for a month, because I can control what I say on the phone. You get a much more revealing picture of people, for example, who are my confi dential sources, or whether I’m negotiating to leave my employer and take a new job or a secret business deal, whether I’m having an extramarital affair, whether I’m seeing a psychiatrist. Anything that I might not want to broadcast to the world will be revealed quite clearly from metadata.52 As if NSA’s efforts were not far- reaching enough, our government has other surveillance tools at its disposal, most notably drone technology, which is returning from foreign battlefi elds for domestic use. Several government agencies employ drone surveillance with increasing regularity, as does local law enforcement. When the Federal Aviation Administration approved the use of surveillance drones for commercial purposes in 2013, it predicted there would be 30,000 drones (or UAVs—unmanned aviation vehicles) in our skies by 2020 doing public and private work.53 Government agencies aim to arm drones, too, but have limited their plans to nonlethal weapons for the moment.54 It seems the options for armed drones are quite chilling. Greenwald highlights the “Switchblade drone,” for example, hailed as “the ultimate assassin bug,” which “worms its way around buildings and into small areas, sending its surveillance imagery to an i- Pad held by the operator, who can then direct the Switchblade to lunge forward and kill the target . . . by exploding in his face.”55 It should be abundantly clear that civilians armed with semiautomatic weapons are no match for government- deployed Switchblades. Beyond the remarkable fact of its existence, the emerging surveillance state contains several noteworthy features. For one thing, it is an impressive merger of public and private sectors. The commercial stake many have in the surveillance state means it is sure to grow. Second, expanded surveillance is less and less controversial. The PATRIOT Act has been renewed every three years since its inception, by members of both parties, with limited objection. The American public seems to have accepted the arguments for widespread and intrusive surveillance as a necessary tool in an age of terrorism. Or at least, the public is too preoccupied to care, as people dive into the myriad new technologies that allow them to be watched. Third, the surveillance state is a “one- way mirror,” as Greenwald puts it.56 It gives government deep insight into our activities and behavior while those watching us—who they are, what they want, what they know—remain hidden. This was made abundantly clear, Greenwald argues, when Wikileaks, the international journalistic organization that publishes leaked government documents, posted on its website millions of pages of classifi ed U.S. security documents, and most of the exposed communications were in fact quite banal. “What that refl ected,” Greenwald explains, “is that the U.S. government refl exively labels everything that it does of any conceivable signifi cance as ‘classifi ed’ and ‘secret.’ It keeps everything that it does from us, at the same time that it knows more and more about what we’re doing.”57 Why is the surveillance state a concern? The ease with which it grows and envelops us all suggests that most of the American public is not overly disturbed by it. Tocqueville might say this is because the surveillance state has not—yet— gotten in the way of our private interests. To the contrary, the surveillance state, especially in its private sector incarnations, offers our personal lives and business ventures bountiful convenience. The hardware chain Lowe’s, for example, advertises that it can keep track of every purchase you make at its stores—to assist you with future purchasing decisions, of course. The American shopper might be thrilled that retailers can provide their wares in so much greater detail, but who else has access to that information? It is surprisingly hard to articulate why privacy is so important. Why, in an age of terror, should my private life be sacrosanct? The argument is often made that if you are doing nothing illegal, then you have nothing to hide. Privacy seems like an easy sacrifi ce in this war, and a tedious encumbrance in the digital age. In our eagerness for new technologies, author Gary Shteyngart cites “a general giddy sense that privacy is kind of stupid.”58 Just imagine the possibilities: if everything is known about you, retailers and businesses can cater to your every desire, at any moment—even desires you didn’t know you had! And the government might know we are a danger before we realize it ourselves, and act accordingly. This starts to sound a lot like the soft despotism Tocqueville foresaw for us: everything is provided for us, all our personal wants sated. We may feel fulfi lled and empowered by our new digital reality—indeed, its devices are sold on the premise that they enable us to do more, and be freer—but as Tocqueville fears, it threatens to reduce us to a state of “perpetual childhood,” where we will require potent political consolation. Claire Cain Miller describes how the Google Now app reads her emails and alerts her, without her asking, to bits of highly personal information: “Now I trust it to tell me whether there is a delay on my route to work (even though I never told it where I live or work). How many steps I walk each month, which recipes I should try, when my e- commerce packages have shipped and whether I need to remember to buy diapers next time I am at the store.”59 A host of moral and political problems arise with our surveillance society, but I will zero in on the most pertinent one for our discussion, the one the gun rights movement supposedly cares so much about. As our privacy is increasingly broached and we live so much more of our lives in public, we become extremely vulnerable. Many interests might wish to take advantage of us in this state, and government is certainly one. Our government vows that it will not abuse, and is not abusing, its privileged knowledge of our private lives, but this puts us at its mercy all the same, perhaps intolerably so. Imagine what an abusive administration might do with all this information. The possibilities for oppression are immense. The only thing preventing such a turn of events is the character of those in office. But it is just such vulnerability that the Founding Fathers aimed to prevent when they designed our government and laid out our rights—and insisted on protecting us against unreasonable search and seizure. The American people must be insulated from the caprices of those in power, since some are sure to be corrupt. Or worse, the power of offi ce will corrupt them. Greenwald argues that “allowing government offi cials to eavesdrop on other people, on citizens, without constraints or oversight, to do so in the dark, is a power that gives so much authority and leverage to those in power that it is virtually impossible for human beings to resist abusing that power.”60 Surveillance seems quite harmless to all involved. For those in power, it hardly seems like an abuse. It’s so easy to survey the public without much protest, and it’s easy to increase this power—exponentially. Gun rights advocates claim to be a prime defense against a government that would gain too much power over the American public. The Founding Fathers intended that we not be at the mercy of those who rule us, but retain a necessary and basic independence. The surveillance state violates that concern. While LaPierre waves his rifl e in the face of the government, it has gained immense leverage over us all. What will it do with all this power? Shall we trust it? Can we trust it? It seems most have decided to ignore the danger. That is their right, but the infrastructure of oppression has been put in place, even if it is not deployed for nefarious ends—yet. Of course, there are some who claim it already does great damage. Hertzberg says the following of the 2013 leaks that revealed the breadth of the NSA’s surveillance operations: “The harm is civic. The harm is collective. The harm is to the architecture of trust and accountability that supports an open society and a democratic polity. The harm is to the reputation, and perhaps, the reality of the United States as such a society, such a polity.”61 Surveillance signals, and sows, mistrust—especially when the surveillance is a one- way mirror. Being watched is inherently corrosive of trust. And it is deeply unsettling that the government is so opaque in its intentions and operations. Foucault would be full of admiration for the emerging surveillance state: it is unverifi able, anonymous, invisible. Indeed, he argued, surveillance can be oppression itself. And it is a form of oppression against which guns are wholly ineffective. For Bentham, the great virtue of the Panopticon was precisely how it might affect subjects’ behavior, and compel. Foucault offers the following, ebullient quote from Bentham advertising the benefi ts of the panoptic scheme: “Morals reformed—health preserved—industry invigorated— instruction diffused—public burthens lightened—Economy seated, as it were, upon a rock—the Gordian knot of the poor- law not cut, but untied—all by a simple idea in Architecture!” 62 For prisoners, anonymous surveillance is a silent and continuous warning that they must watch what they do, and act as the warden expects. Applied to the workplace, the panoptic scheme might ward off temptations to laziness. In short, surveillance is a manner of imposing behavior on those who are watched, snapping them into line. But it is a soft tyranny—and as such, Foucault maintains, especially pernicious. It is a kind of oppression we hardly notice or worry about. In the digital age, we willingly subject ourselves to surveillance, and facilitate our surveyors’ task. Digital technologies make us feel empowered and free, but silently have the opposite effect. Under surveillance, we come to watch what we do without even realizing it. If we are expressly forbidden to associate with a certain political group, we will feel compelled, and register it as coercion—and that might irritate us. If, however, we are unsure if we are watched when we visit certain websites or communicate with certain groups, and suspect we might get in trouble for doing so, we will cease, seemingly of our own volition. Privacy is essential to freedom because it allows us to indulge in eccentric behavior without fear of judgment or incrimination. From discussion of bold, sometimes crazy ideas, brave new political notions are born. Privacy lends an openness and courage to the political arena, a necessary dynamism—it empowers political thinkers and agents at the most basic level. Thus it is essential to democracy, or at least to the aspirations of democratic regimes: if you would embolden citizens to be politically active at every level of society, you require the utter freedom privacy affords. “[Secrecy] and privacy are prerequisites” to political activism and protest, Greenwald argues.63 What is political opposition to look like, how is it to behave, if it knows it is constantly watched and followed? Guns do little to protect our freedom in this respect. They are no remedy for the oppression that may be at hand. The surveillance state grows and compels whether we are armed or not. In fact, the gun rights movement inadvertently assists the surveillance state by urging adherents to beware government oppression in a wholly other form—a form in which oppression, in our time, is less likely to emerge. Greenwald says of the surveillance state, in an assessment that is eerily evocative of guns: “You can acculturate people to believing that tyranny is freedom, that their limits are actually emancipations and freedom, that is what this Surveillance State does, by training people to accept their own conformity that they are actually free, that they no longer even realize the ways in which they’re being limited.”64 Guns are likewise a cultural fi xation that offers the illusion of freedom—and makes us vulnerable to manipulation, abuse, and oppression. They invite us to feel free and indomitable, while blinding us to the ways in which we are limited and dominated. Accordingly, Machiavelli tells us, those in power are all too happy to see us armed. They nod their heads in approval when Cooke claims guns are the ultimate right of a free people—as LaPierre says, the true mark of liberty! Cooke and LaPierre fail to grasp that modern nation states do not need physical force to put us underfoot. They can achieve oppression in ways that cannot be opposed or hindered by mere guns.

### Kahan 3

#### Gun control is about what kind of values we want to promote- empirics just cause confirmation bias.

Kahan 3 Dan M. (Elizabeth K. Dollard Professor of law at Yale Law School) “The Gun Control Debate: A Culture-Theory Manifesto” Washington and Lee Law Review Vol. 60 Issue 1 Article 2 January 1st 2003 <http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1224&context=wlulr> JW

Oftentimes, disputes in criminal law that seem empirical or instrumental are really expressive in nature. In such disputes, citizens care less about how a particular law will affect behavior than they do about what the adoption of that law will say about the authority of contested moral values and about the relative status of the social groups and cultural styles associated with those values. The century's long dispute over temperance, for example, can be understood as an attempt by America's traditional agrarian elite to repel the challenge to their cultural preeminence posed by a commercial ethos associated primarily with immigrant, urban Catholics.' Today's dispute over the death penalty has been described as an essentially "symbolic" one, too, on which citizens "choose sides" consistent with their cultural allegiances,9 and on which legislators vote consistent with their desire to apportion status amongcompetingculturalstyles."0 Proposals to ban flag desecration ignite intense passions because they are understood to be tests of the national commitment to patriotism and, accordingly, of the status of those for whom patriotism is an unproblematic virtue." The rule affording mitigation to cuckolds who kill their unfaithful wives, a staple of criminal law for centuries, now provokes intense disagreement because of the contemporary contest over the patriarchal norms that the rule expresses. 2¶ Gun control fits the same expressive pattern. As one southern Democratic senator recently put it in urging his party to back off the issue, the gun debate is "about values ... about who you are and who you aren't." 3 Those who share an egalitarian and solidaristic world view, on the one hand, and those who adhere to a more hierarchical and individualistic one, on the other, both see the extent of gun regulation as a measure of their (and their social groups') relative status in American society. 4 What makes the gun control debate so intense is not a disagreement about the facts-does private owner- ship of guns promote or deter violent crime?—but a disagreement about "alternative views of what America is and ought to be."' 5¶ Of course, to all of this the econometricians might simply demur. Sure, they might say, the gun controversy reflects a conflict in cultural world views. But they cannot hope to make the two sides agree about the nature of a good society. They do both profess, however, to agree about the value of protecting¶ innocent persons from harm. So let us continue to focus our attention on the empirical issue-whether more guns produce more crime or less-as our best¶ hope to negotiate a peace between the cultural combatants.¶ The problem with this reasoning, I want to suggest, is that it misconceives the relationship between cultural orientations and beliefs about empirical facts, such as whether gun control reduces or in fact increases crime. Beliefs about the causes and effective responses to societal risks, I want to argue, derive from cultural world views. As a result, we cannot reach agreement about the consequences of gun control unless we have first come to some common ground about what values gun laws ought to express.¶ This is the lesson of the cultural theory of risk perception, a model of belief formation first used to explain differences in opinion relating to environ- mental regulation. 6 As with gun control, members of the public disagree intensely with one another about the hazards posed by various forms oftech- nology, like nuclear power, and the merits of trying to abate them through government regulation. The cultural theory of risk perception relates these differences in view to individuals' allegiance to competing clusters of values, which construct alternative visions-egalitarian and hiearchist, individualist and communitarian-of how political life should be organized. The selection of certain risks for attention and the disregard of others affirm (symbolically as much as instrumentally) certain of these visions over others. Thus, in line with their commitment to fair distribution of resources, egalitarians are predict- ably sensitive to environmental and industrial risks, the minimization of which reinforces their demand forthe regulation of commercial activities that produce disparities in wealth and status. In contrast, individualists, precisely because they are dedicated to the autonomy of markets and other private orderings, tend to see environmental risks as low-as do hiearchists, in line with their confi-¶ dence in and deference to institutions of social authority. Hiearchists and individualists have their own distinctive anxieties-the dangers of social deviance, the risks of foreign invasion, or the fragility of economic institu- tions-which egalitarians predictably dismiss. These conclusions are based on sophisticated survey techniques that show that differences in cultural orientations explain differences in individual risk perception more completely than any other set of factors, including wealth, education, personality type, and even political ideology.17¶ It turns out that the gun control debate maps perfectly onto the cultural- theory-of-risk framework. Like debates over dangers of various environmen- talhazards,the gun control debate turns on competing perceptions of risk: the risk that too many of us will become the victims of lethal injury in a world that fails to disarm the vicious (or the merely careless), on the one hand, versus the risk that too many of us will be unable to defend ourselves from violent predation in a world that disarms the virtuous, on the other. Just like divergent perceptions of environmental risk, these competing perceptions of gun risk correlate with opposing clusters of values: egalitarianism and social solidarity, on the one hand; honor, deference to lawful authority, and individ- ual self-sufficiency, on the other. These competing values construct alternative visions of the good society. And in advancing policy positions in line with their respective perceptions of risk, individuals involved in the gun control debate-like citizens involved in the environmental debate-promote their preferred vision and discredit that of their cultural adversaries.¶ These, at least, were the hypotheses that anthropologist Don Braman and I decided to investigate. We designed our own study to determine whether cultural orientation measures can explain attitudes toward gun control. And we found that they do-the more egalitarian and communitarian a person's outlook, the more supportive of control, but the more hierarchical and individ- ualistic a person is, the more opposeed to it. Indeed, it turned out that individuals' cultural orientations furnished stronger predictions of their attitudes toward guns than any other facts about them, including whether they were male or female, black or white, Southern or Eastern, urban or rural, and even liberal or conservative."'¶ Insofar as individual attitudes toward gun control fit the psychological profile associated with the cultural theory of risk, there is essentially no prospect that econometric and other forms of empirical data will buy us peace in the American gun debate. The vast majority of individuals lack the expertise to evaluate conflicting statistical studies on gun control for themselves. Confronted with competing factual claims and supporting empirical data that they are not in a position to verify on their own, ordinary citizens will naturally look to those whom they trust to tell them what to believe about the consequences of gun control laws. The people they trust, unsurprisingly, will be the ones who share their cultural outlooks and who, as a result of those outlooks, are more disposed to credit one sort of gun-control risk than the other. In this sense, what one believes about consequences of gun control will be cognitively derivative of one's cultural world views.

### Jacobs 04

#### Handgun bans have a racist legacy.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

In the United States, proposals for universal handgun prohibition are relatively recent, although most of the western states in the mid-nineteenth century had laws against carrying concealed weapons. Efforts to prevent people from owning or possessing firearms altogether first arose in the Black Codes passed by the southern states after the Civil War. The former Confederate states passed laws to prevent former slaves from exercising any rights, especially the right to own firearms. The Civil Rights Act of 1866 and the Fourteenth Amendment were both aimed at reversing the disarmament and subjugation of the former slaves.1 In the latter decades of the nineteenth century and early decades of the twentieth century, some politicians advocated that aliens be denied the right to keep and bear arms. Some New Dealers favored the idea of handgun prohibition and tried unsuccessfully to have handguns covered by the 1934 NFA.

#### Historically, federal handgun ban proposals have prohibited manufacture, sale, and possession.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Prohibition Proposals In 1973, Representative Ronald Dellums (D-Calif.) introduced the first federal handgun prohibition bill.5 It aimed to prevent lawless and irresponsible use of firearms by prohibit[ed]ing “the importation, manufacture, sale, (p.157) purchase, transfer, receipt, possession, or transportation of handguns.”\* Because the bill prohibited handgun possession, all handgun owners would have to give up their arms or face the consequences. Dellums's prohibition and disarmament bill proposed a $5,000 fine and/or a prison sentence up to five years for persons convicted of possessing handguns or handgun ammunition. Pistol clubs could store handguns for licensed members, but such clubs themselves would have to be licensed by the secretary of the treasury. Firearms could only be transported with the approval of a law enforcement agency. Under Dellums's proposal, handguns could only be sold by licensed dealers and only to licensed pistol club members, importers, manufacturers, and other dealers. Federal and state law enforcement personnel and state licensed security guards would continue to be lawfully armed. The federal government would offer to purchase all privately owned handguns for either $25 or the market value of the gun, whichever was higher. Only a few days after Dellums introduced his bill, Rep. John Bingham (D-N.Y.) introduced a similar bill to “prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns, except for or by members of the armed forces, law enforcement officials, and as authorized by the secretary of the treasury, licensed importers, manufacturers, dealers, antique collectors and pistol clubs.”6 Representatives Bingham and Dellums reintroduced their bills several times over the next few years, but neither bill ever made it out of committee. In June 1992, Senators John Chafee (R-R.L), Claiborne Pell (DR. L), and Alan Cranston (D-Calif.) introduced legislation to ban the sale, manufacture, and possession of handguns, with exceptions for law enforcement personnel and licensed target clubs. Senator Chafee exhorted his colleagues: “It is time to act. We cannot go on like this. Ban them!”7 The bill did not provide compensation to those who surrendered their handguns.8 In 1993, Representative Major Robert Owens (D-N.Y.) proposed that it be “unlawful for a person to manufacture, import, export, sell, buy, transfer, receive, own, possess, transport, or use a handgun or handgun ammunition.”9 (p.158) He exempted military personnel, registered security service guards, and licensed handgun clubs and their members. In addition, licensed manufacturers, importers, and dealers “as necessary” were exempted in order to satisfy the limited remaining market. The bill proposed to reimburse gun owners, who voluntarily surrendered their firearms to a law enforcement agency within 180 days. Violators would face a maximum fine of $5,000 and five years imprisonment. Other Disarmament Proposals The Communitarian Network, an organization led by noted sociologist Amitai Etzioni, issued a high profile proposal for handgun prohibition in 1991. “The Case for Domestic Disarmament” condemns “vanilla pale measures that have been taken thus far with regard to firearms” and calls for prohibiting handguns for everyone except military and law enforcement agencies, licensed pistol clubs, security services, and collectors.10 This manifesto was signed by 75 prominent academics, politicians, and other national leaders, including Independent Party presidential candidate John Anderson, former Illinois senator Adlai Stevenson III, former FCC chairman Newton Minow, former San Antonio mayor (and later secretary of housing and urban development) Henry Cisneros, and many prominent academics such as Benjamin Barber (Rutgers), John Coffee (Columbia), John Gardner (Stanford), Mary Ann Glendon (Harvard), Albert O. Hirschman (Princeton), Charles Moskos (Northwestern), Philip Selznick (Berkeley), Lester Thurow (MIT), and dozens of others. If handgun disarmament was once considered a fringe idea, after promulgation of this manifesto, it could no longer be so considered. The Communitarian Network called a ban on handguns “one measure sure to gain monumental benefits in the short run.” It argued that domestic disarmament is the remedy for accidental gun discharges, impulsive uses, and gun violence. According to the manifesto, criminalizing all private possession of handguns will reduce deadly crime simply by making it harder for people to arm themselves. Etzioni and his colleagues would permit very limited exceptions to the disarmament plan. Gun collectors could keep only those weapons that they render nonfunctional, for example, by pouring cement into the barrel. Hunters could have rifles and shotguns, as long as they do not have sights and cannot fire “powerful” bullets. The communitarians, with some sarcasm, encouraged “super-patriots” to join the National Guard. The Communitarian Network urged that disarmament be implemented (p.159) quickly. Acknowledging that it would be costly to buy up all existing firearms, it argued that this would be better and cheaper than devoting more resources to enforcing current legislation. It suggested implementing and testing its plan in the northeast region of the country. The Communitarian Network's proposal leaves many questions about implementation and enforcement unanswered. For example, what punishment would be meted out to handgun owners who do not turn over their handguns? Who would enforce handgun prohibition?

#### Normal means is banning sales and possession. This a) conforms to current prohibition laws and b) preserves aff ground from damning feasibility objections. This means disarming the citizenry.

Jacobs 04 James (Chief Justice Warren E. Burger Professor of Constitutional Law and the Courts Director, Center for Research in Crime and Justice New York University School of Law) Can Gun Control Work? “Prohibition and Disarmament” 2004 Oxford Scholarship Online JW

Prohibiting the Sale of Handguns All handgun prohibition proposals discussed in this chapter include a ban on the sale of handguns. A sales prohibition would necessarily have to prohibit every type of commercial transfer, lest the ban be circumvented by leasing and renting. But even that expanded proscription would be incomplete. Banning just commercial transfers would not prevent handguns from being transferred by nondealers to new owners as gifts or barter. Therefore, an effective “sales” prohibition should encompass a ban on gifts and lending as well. No doubt once a sales prohibition seemed like a realistic possibility, (p.162) some people (including profiteers and ideological opponents of the prohibition) would purchase large quantities of handguns in order to supply the post-sales prohibition demand. Prohibiting Possession of Handguns Proponents of handgun prohibition ought to see little point in banning the manufacture and sale of handguns without also banning possession. Failure to ban possession would leave the existing private sector stock of handguns intact. Moreover, if handgun possession was undisturbed, following the model of National Alcohol Prohibition, there would be a tremendous opportunity for blackmarketeers to meet the demand for handguns with weapons imported from abroad or produced in clandestine workshops. The new handguns and handgun possessors would blend in with the existing handguns and their possessors. The moral coherence of this form of prohibition would be weak; tens of millions of owners would be allowed lawfully to possess guns, while younger people would be treated as criminals for doing the same thing. Criminalizing the possession of handguns, along with the manufacture and sale, would conform the gun prohibition paradigm to the regime that currently covers illicit mind- and mood-altering drugs. Prohibition that includes a ban on possession would commit the country to disarming the citizenry. The Dellums and Bingham bills say that 180 days after the law becomes effective, it would be a crime to possess a handgun. In one fell swoop, tens of millions of Americans would be prosecutable, unless they surrendered or destroyed their arms.

### Lind 15

#### The lit creates a very clear distinction between common-sense gun procedures and total gun bans.

Lind 15 Dara Lind, 12-7-2015, "The new Democratic agenda on gun control," Vox, <http://www.vox.com/2015/12/7/9859802/democrats-gun-control>

The new Democratic gun control agenda boils down to something the Center for American Progress says: "Dangerous people should not be able to easily acquire guns." That means universal background checks. It means more robust mental health requirements for gun ownership. And it means preventing particular populations of people from buying guns legally — including suspected terrorists and domestic abusers. In the 1990s, the gun control debate was about particularly dangerous guns or forms of ammunition. The "dangerous people" agenda deemphasizes those policies. Instead, it's about the process by which the government decides whether it's okay for someone to own a gun to begin with. It's actually possible to pin down exactly when this shift occurred — or at least when it was formalized. In April 2013, Senate Democrats decided to try to pass a gun control bill after a mass shooting killed 26 people, most of them children, at Sandy Hook Elementary School. But then–Majority Leader Harry Reid deliberately decided not to include an "assault weapons ban" (banning guns with particular "military-style" features from being sold) in the main bill. When sponsor Dianne Feinstein (D-CA) offered it as an amendment, only 40 senators voted for it. (Compare that with 2004, when a similar bill got 52 yes votes in a Republican-controlled Senate.) When Sens. Joe Manchin (D-WV) and Pat Toomey (R-PA) agreed on a proposal to expand background checks, though, Reid and Senate Democrats tried to get it into the existing bill. When the Manchin-Toomey proposal got only 54 votes — not enough to clear the 60-vote threshold required — President Obama gave a Rose Garden speech calling it a "shameful day for America." But the legislative defeat for the Democrats opened up a big political opportunity. Expanded background checks are overwhelmingly popular — 85 percent of Americans support requiring background checks for gun-show purchases, according to the Pew Research Center. That includes 79 percent of Republicans and 82 percent of people who think protecting gun rights is more important than controlling gun ownership. Add that to the fact that a majority of senators had voted for Manchin-Toomey, and it became a no-brainer policy for Democrats to rally around — one they didn't have to worry would alienate moderates. "The trick to winning over moderates is to be the most reasonable person in the room," says Sarah Trumble of Third Way — an organization that pushes for moderation and bipartisanship. "It's not hard to support both the Second Amendment and reasonable restrictions, because the proposals on the table that people are talking about are things that legitimate gun owners do as a matter of course." Former Democratic strategist and current head of the Institute on Politics at Georgetown Mo Elleithee put it another way: "There is no more powerful interest, no more powerful constituency, than suburban moms. And I think you would be hard-pressed to find a suburban mom who doesn't support some form of increased gun safety measure. Even the suburban moms who support the Second Amendment, who like the idea that there should be a gun in the house for safety, still believe that there should be a background check." Of course, in theory, something so broadly supported would simply be passed by Congress — taking it away as a rallying point for one party. But because the NRA and Republican members of Congress are standing firm against any gun restrictions, they have allowed Democrats to seize the issue. "Right now," Trumble says, "the NRA doesn't look even remotely reasonable." And that's opened up an opportunity for Democrats to come off as the adults in the room. The urgency progressives feel has put a damper on civil liberties concerns Expanding background checks is one component of the "dangerous people shouldn't have guns" agenda. The other is who can be barred from buying a gun once the information in that background check comes back. Chelsea Parsons of the Center for American Progress brings up domestic abusers as one example. There's an "increased risk of homicide to women posed by domestic abusers who have easy access to guns," she says. "That is another gap in the law that we spent a lot of time working on, to strengthen the laws and reduce access by that group of known dangerous people." That's also the logic behind tighter restrictions on mentally ill gun buyers, another policy that's overwhelmingly supported by Americans across the ideological spectrum. In fact, it's more popular with Republicans than with Democrats — in part because many liberals feel that conservatives scapegoat the mentally ill after mass shootings to distract from the issue of gun violence. And this is where the "dangerous people" agenda runs into a bit of trouble. The particular groups targeted by restrictions are often either marginalized — like the mentally ill — or intersect with other issues where liberals tend to be much more skeptical of government power, such as national security. After the San Bernardino shooting last week, President Obama and White House officials urged Congress to pass a law barring people on the federal "no-fly list" from buying guns. Obama presented this as another no-brainer issue: "Those same people who we don’t allow to fly can go in to a store right now in the United States and buy a firearm, and there’s nothing that we can do to stop them." But what Senate Democrats actually proposed (unsuccessfully) was a slightly different proposal that dates back to the George W. Bush administration: giving the Department of Justice the power to ban people on the FBI's terrorism watch list, much bigger than the no-fly list, from legally buying a gun. A recent GAO report found that people on the watch list have succeeded in buying guns about 2,000 times between 2004 and 2014. But there are 700,000 people or more on the list. And, as progressives have pointed out throughout the Bush and Obama administrations, it's hard to even know who's on the watch list — and even harder for those wrongfully placed on it to get off. The Senate, ironically, knows better than anyone that the government's terrorism watch lists can be overbroad: Former Sen. Ted Kennedy spent three weeks trying to get his name off the no-fly list in 2004. (This might have been why the Senate went with the FBI watch list instead.) But the FBI watch list is much bigger, and unlikely to be less flawed — especially given reports of FBI profiling and entrapment of Muslims. The awkward politics of the issue are epitomized by who's sponsoring the bill in each chamber: In the Senate, it's centrist Democrat and security hawk Feinstein; in the House, it's Rep. Peter King (R-NY), Congress's most vocal supporter of surveilling American Muslims. Of course, it's not unusual for policies that pose civil liberties concerns to garner broad public support. Progressives are generally more sensitive to those concerns, but when it comes to guns, they're compelled by the sheer obviousness of the "dangerous people shouldn't have guns" logic. Parsons, of CAP, says the answer is to fix the watch list. "We should do both things. We should strive to make the watch list appropriate and accurate and constitutional, and at the same time we should make sure that individuals who are known to the FBI to have ties to terrorism aren't able to buy guns." Both moderates and advocates are cooling on assault weapons bans Though it doesn't look like Democrats will be able to expand background checks, fix what Parsons calls the "terror gap," or enact any other restrictions on gun ownership anytime soon, this could actually be good news. Much like the defeat of Manchin-Toomey in 2013, these failures are an advantage for Democrats: As long as there are policies that are overwhelmingly supported not just by the public but by gun owners themselves, but aren't yet law, there will be a way for Democratic elected officials to talk about guns without alienating gun owners. But it's genuinely hard to tell how deep the consensus on gun control among moderates (including gun owners), liberals, and Democratic elected officials goes. Mo Elleithee assumes that passing expanded background checks will build momentum for further action. "The assault weapons ban, a ban on armor-piercing bullets, a ban on high-capacity clips — that is, I think, the next level of where the fight will go," he says. "Because we don't have those things despite significant public support — it's not as high as the background checks, but there's still more than a bare majority." That significant public support, however, comes with a big asterisk. According to Pew, 57 percent of Americans support a ban on assault-style weapons; in 2013, 53 percent of Americans supported a ban on high-capacity ammunition clips. But unlike the "dangerous people" agenda, bans on these types of weapons divide gun owners from non–gun owners. Of Americans with a gun in the house, 49 percent support an assault weapons ban; in 2013, 43 percent of people who said they owned a gun supported the ban (and only 41 percent of gun owners supported a ban on high-capacity clips). "The place you're most likely to see a policy difference" between moderates and liberals, Trumble explains, "is when you're talking about bans. Liberals are much more likely to support assault weapons bans and high-capacity magazine bans. That's a dog whistle for moderates and people on the right" — talk about banning one thing, and gun owners (and those more sympathetic to them) start getting worried the government will ban more things. That isn't stopping some liberal institutions like the New York Times editorial board from calling for a version of an assault weapons ban. But at the same time the Times is embracing the concept, others in the liberal policy elite are shying away from it — not because it goes too far, but because it doesn't go nearly far enough. For some people, the problem is simply too many guns This is the other thing that makes the "dangerous people" agenda different from the rest of the gun policy debate. Gun policy experts are fairly well convinced that expanding background checks would have a meaningful role in reducing gun violence — not necessarily the spectacular mass shootings that are often the political reason Congress tries to pass gun control, but what CAP's Chelsea Parsons calls "interpersonal violence that happens in communities around the country that ends up becoming fatal because of easy access to firearms." In other words, it's not only good politics but also good (as in effective) policy. The same is true for other planks in the "dangerous people" agenda: mental health screenings, domestic violence restrictions. And while Parsons acknowledges, "I don't think that individuals on the terror watch list are primary drivers of gun violence in this country," she still thinks the "terror gap" is too obvious a hole in the law not to fix. But assault weapons bans don't work as well. As Nick Baumann wrote in the Huffington Post in response to the Times's op-ed, "Assault weapons bans are hard to write and implement, and easy to undermine and circumvent. Even a perfect assault weapons ban wouldn't do anything about most gun violence, because most gun violence involves handguns that aren't forbidden under such laws." And this gets to the heart of the problem: Many of the progressives who are worried about gun violence in its own right are increasingly convinced that the real problem is that there are, in fact, simply too many guns in America. And that means the ultimate policy solution, for them, is to take some of those guns away. There aren't exactly policy proposals for Australian-style mandatory buybacks circulating among the progressive pundit class — largely because it's a nonstarter with the current Supreme Court, which has ruled that there is an individual right to own guns (a premise that many liberals still argue with). Instead it's more of an attitude: the sense that there is not actually any such thing as the "responsible gun owner" Trumble talks about, because it is irresponsible to own something so lethal. Last week, for example, progressives were outraged by Senate Republicans' refusal to expand background checks. But just before that, many progressives were talking with alarm about news reports that a record number of gun-sale background checks had been conducted on Black Friday — because that meant a lot of people were buying guns. The fact that these were all, by definition, people who could pass a background check was irrelevant. The guns themselves were the problem. And while Elleithee says that many suburban moms who favor some restrictions on guns "like the idea that there should be a gun in the house for safety," many progressives don't. In October, Washington Post writer Christopher Ingraham compiled data showing that an average of one person a week in America is shot and killed by a toddler, most often because the toddler has gotten hold of an unsecured gun. Ingraham mentioned particular policies that could mitigate the likelihood of that happening, which the NRA predictably opposes: more low-hanging fruit. But he also concluded, "In a country with more guns than people, it's only natural that a certain number of small children are going get their hands on an unsecured firearm, with tragic consequences." "We're seeing sort of a cultural divide that makes it really hard for people to put themselves in one another's shoes," says Sarah Trumble. "Someone who grew up in a sport-hunting, shooting community can't relate to being scared of guns. And someone who grew up in an inner city, whose only interaction with guns is drive-by shootings, can't understand why anyone would need one at all." That's borne out by public opinion: 58 percent of people without a gun in the house would feel uncomfortable with one. The groups that are least likely to own guns themselves, including nonwhites and urban residents, are also the ones who are least likely to be comfortable with the idea. This is where the liberal-moderate coalition that's allowed Democrats to lean in on guns breaks down. Calling gun ownership a problem in its own right, Trumble says, "promotes the same type of backlash that the Gun Owners of America–type rhetoric does on the other side — extreme extremes that are not helpful to the conversation. Because the fact of the matter is that America is a gun culture. ... We're not going to put that toothpaste back in the tube."

### Miller 03

#### Toy guns get mistaken for real guns- causes violence and crime.

Miller 03 Gifford (former Speaker of the New York City Council, where he represented Council District 5) “Toy Guns: A Deadly Game” The Council Of The City Of New York December 2003 <http://www.nyc.gov/html/records/pdf/govpub/838toyguns.pdf> JW

In August 1987, a man held a realistic-looking toy gun on KNBC-TV (Los Angeles) reporter David Horowitz during a live newscast and threatened to kill Horowitz if he didn’t read a statement about “space creatures and the CIA.”1 Since this incident that first brought light to the dangers of toy guns, there have been many documented incidents when people have lost their lives because they brandished a toy gun either for fun or in the commission of a crime. In New York City (NYC), several toy gun-related incidents have resulted in death. In 1999, New York Police Department (NYPD) officers shot Michael Jones, a 16-year-old boy holding a toy water gun.2 In April of 2000, two undercover officers shot and killed two Brooklyn teenagers who wielded toy guns wrapped in black tape during an attempted robbery.3 In January of 2003, police fatally shot a 17 year-old in Manhattan after he put a BB gun to the head of an undercover detective dressed as a deliveryman.4 In 1990, the U.S. Bureau of Justice Statistics (BJS) reported that 31,650 toy guns were seized during crime-related incidents across the nation between January 1985 and September 1989.5 According to New York State (NYS) Attorney General Eliot Spitzer’s office, five people in NYS have been killed by police officers who mistook toy guns for actual guns since 1997.6 In NYC, the most recent statistics available indicate that 1,400 crimes have been committed using toy or replica guns.7 Since 1998, there have been 12 cases in NYC where officers had fired at someone holding a toy gun that had been mistaken for an actual firearm.8

#### Plan text: coordination

Miller 03 Gifford (former Speaker of the New York City Council, where he represented Council District 5) “Toy Guns: A Deadly Game” The Council Of The City Of New York December 2003 <http://www.nyc.gov/html/records/pdf/govpub/838toyguns.pdf> JW

Enforcement of the City’s toy gun law needs to be strengthened because investigators were able to purchase illegal toy guns at 50% of the stores to which DCA issued violations in 2001. No stores should be selling illegal toy guns, but it is particularly disturbing that store owners are repeat offenders, continuing to sell illegal toy guns after they have already been fined. • Illegal toy guns in New York City are cheap and easily accessible. Based on CID’s findings, New Yorkers can purchase illegal toy guns for as little as $1. • Since the 1990 BJS report, little data exists on the incidence of crimes, injuries or deaths involving toy guns and BJS has no current plans to undertake a follow-up to their study. 31 • Several barriers constrain further analysis of issues relating to toy guns, including the fact that not all police reporting systems track incidents involving toy guns, as well as that the National Violent Death Reporting System, (NVDRS) designed to collect information on deaths involving toy guns, is inoperative. RECOMMENDATIONS • Pass legislation to increase the fines and penalties for the sale of illegal toy guns. Currently, DCA and any other agency designated by the Mayor have the power to impose civil penalties of no more than $1,000 per violation. Violators are guilty of a misdemeanor and are subject to fines and/or imprisoned for up to one year. Amending section 10-131(g) of the City’s Administrative Code to increase the penalties and fines for violators may help end the sale of illegal toy guns. • Pass legislation banning the sale of all toy guns in NYC. City Council Intro No. 298 would ban the sale of toy guns in NYC. In an effort to end the violence related to toy guns, the bill would make it a misdemeanor for merchants to sell any kind of toy gun in NYC. However, it appears from initial analysis that the current Federal law may pre-empt this legislation. • Pass legislation to hold manufacturers and retailers liable for injuries or death cased by illegal toy guns. An individual injured by another with an illegal toy gun should have a civil cause of action against a toy gun manufacturer and/or the merchant who sold the toy gun. • Call upon the Mayor and the Department of Consumer Affairs to enact a strong campaign against illegal toy guns. The Mayor should penalize stores where CID found illegal toy guns sold, especially to stores issued violations in 2001. There should be routine, in-depth inspections of stores that sell toys. In addition, DCA should increase education and outreach about the dangers of toy guns. • Pass a resolution supporting a U.S. House of Representatives bill that bans certain toy guns. H.R. 211 would require nationally that the Consumer Product Safety Commission ban toys that resemble real handguns in size, shape, or overall appearance.32 • Pass a resolution urging the United States Congress to legislate further studies involving the incidence of crimes, injuries or deaths involving toy guns. Such initiatives may include requiring police department reporting systems to identify the involvement of imitation or toy guns in crimes, or completing and instituting CDC’s National Violent Death Reporting System (NVDRS). • Pass a resolution urging the United States Congress to allow municipalities to ban toy guns. The Federal government should amend the Federal Toy Gun Law to allow state or local laws to ban toy guns. This change would allow municipalities such as NYC to pass laws to prevent violence and accidental deaths involving toy guns.

### Huang

#### Community based IPV reforms solve the root cause of domination- the aff makes things worse by sending people to prison. Using the state in the current political climate causes more violence- it’s a sequencing question.

Huang Vanessa “transforming communities: community-based responses to partner abuse” The Revolution Starts at Home pp. 58-63 <https://lgbt.wisc.edu/documents/Revolution-starts-at-home.pdf> JW

Those of us targeted by policing and imprisonment— communities of color, immigrant, poor and working-class, queer and trans, and disability communities—have long had reason to not turn to these systems for support around the violence and harm we face, and to instead create our own interventions. This need has become all the more urgent with the increased surveillance and policing after 9/11. In Atlanta, Georgia, the South Asian anti family violence organization Raksha launched Breaking the Silence after the PATRIOT Act and increased deportations targeting the immigrant and refugee communities. “We have to think about the impact law enforcement has had in our communities,” said Priyanka Sinha, community education director at Raksha. “People don’t feel safe; our families have been broken up.” In recent memory, our movements have amplified our collective analysis and articulation of this need, answering Angela Davis’ call on The We That Sets Us Free to “begin to think about the state as a perpetrator of violence against women, and understand the connections between intimate violence, private violence, state violence, prison violence, and military violence.” Since organizers working with the prison abolition organization Critical Resistance and INCITE! Women of Color Against Violence collaborated five years or so ago to write the joint statement, “Gender Violence and the Prison Industrial Complex,” the prison abolition and prisoner rights’ movements have amplified our analysis of how gender oppression and state violence intersect, and seen a proliferation of organizing with and advocacy for people in women’s prisons and a marked growth in this work with trans and gender variant people in men’s and women’s prisons. We’ve taken seriously the task of engaging in dialogue and work with the anti-violence movements to end interpersonal violence. And radical and progressive networks within the anti-domestic and sexual violence movements today commonly acknowledge the ways in which pushing for legislation criminalizing “violence against women”—while effectively contributing to public understanding of this violence as harm that demands accountability—has helped to expand the harmful reach of the policing and imprisonment on our communities. We actively are organizing ourselves towards non-policing, non-prison responses to partner abuse and other forms of interpersonal violence: Generation Five (G5), a San-Francisco-based project that works to end child sexual abuse, has worked to build our movements’ understanding of “transformative justice” responses to interpersonal violence, premised on the understanding that our work is not only about intervention in individual incidences of harm, but also about transforming “the conditions of oppression and domination that allow that violence to happen” in the first place. G5 trains communities to support transformative justice approaches to child sexual abuse. One participant, a psychologist in a children’s agency, contacted the survivor’s extended family to create a plan to support the child, hold the aggressor accountable and support the aggressor’s process. Afterwards, she called CPS to report what happened, since child psychologists are “mandated reporters”–but also pitched the plan she and the community had created. CPS found it acceptable and stayed out; so did the criminal legal system. Sara Kershnar, G5’s director, said of the last several years that “what we’ve been able to do put child sexual abuse, intimate and community violence more on the map as a political project” and to articulate their vision for transformative justice. Most recently, G5 distributed its document, “Towards Transformative Justice: A Liberatory Approach to Child Sexual Abuse” at the United States Social Forum. A call for people to engage in developing transformative justice responses to violence, the document offers several principles in developing transformative justice responses; these include a commitment to liberation amongst those involved; shifting power relations; developing safety; seeking accountability; building collective action; honoring where we all come from; and making the process sustainable. Sara said G5’s goal over the next several years is to “find the right partners with clear politics, clear principles, and clear practices” to help create models, develop skills, and facilitate strategic thinking. Over the past several years, Communities Against Rape and Abuse (CARA) in Seattle has actively supported people and networks in developing community accountability strategies. In one situation, CARA supported a group of young women organizers who had been sexually assaulted by a male co-organizer. Because of the women’s demands, the group removed him from his position and he entered counseling with support from friends. The group also began sponsoring trainings on sexual violence throughout its national chapters. Drawing from this work, CARA for the past few years has been developing “Taking Risks: Implementing Grassroots Community Accountability Strategies,” which they contributed to the 2006 INCITE! Color of Violence Anthology. In this document, CARA shares a number of principles as a resource for people people to consider in organizing community accountability strategies: recognizing the humanity of everyone involved; prioritize the self-determination of the survivor; identify a simultaneous plan for safety and support for the survivor and community members; carefully consider the potential consequences of the strategy; organize collectively; make sure everyone involved in the group seeking accountability shares a political analysis of sexual violence; be clear and specific about what you want from the aggressor in terms of accountability; let the aggressor know your analysis and demands; consider help from the aggressor’s community; and prepare to be engaged in the process for the long haul. And Mimi Kim, who has worked to end domestic violence and sexual assault for over 15 years, launched Creative Interventions in 2004 to create space for “the people closest to and most impacted by violence to envision and create ways to make it stop” and to collect and analyze stories stories of responses to harm that don’t rely on the criminal legal system. Since 2004, Kim said, “the projects and vision remain remarkably similar, though we’re still on the frontiers of what this all means in 2007. In a lot of ways, we are building a long, long history of everyday people trying to end violence in ways that don’t play into oppressive structures.” Simultaneously, Kim said the work has been about explicitly naming leadership in women and trans folks, people of color, queer folks, poor folks, and people with disabilities and creating collective leadership. “The point of opening up and creating these alternatives,” Kim reflects, “means creating a world that is very different from this one. If kids grow up seeing that abuse gets stopped by someone right next to them, if we create subsystems where people know that if they’re violent, it’s not going to be tolerated– we’re going to create a whole different way of living in this world.” Practicing Community “We need to shift toward an underlying culture of partnership and trust and away from a culture of domination,” said Jane Dorotik, currently imprisoned at California Institution for Women, on The We That Sets Us Free. Domination underlies every single relationship, from relationships between parents and children, between governments and citizens, us and nature. In contrast, a partnership-, trust-oriented model supports mutually respectful, caring relationships. There can be hierarchies as would be necessary in all social structure, but power would be used not to constrict and control, but to elicit from ourselves and others our highest potential.” While our communities have made movement since 2004 towards community accountability strategies, this is hard work and we have a long ways to go–especially when we don’t tend to have many support systems for the kind of accountable relationships Dorotik is calling for. “The notion of accountable communities is both parallel to and contrasting from, a precursor to community accountability,” said Connie Burke of the Northwest Network of Bi, Trans, Lesbian, and Gay Survivors of Abuse in Seattle. Since we aren’t generally skilled at being accountable to each other, and this is something that perpetuates patterns of abuse, she explained, the Network sees its work as “creating the conditions necessary to create loving and equitable relationships” as a building block towards accountable communities. And rather than continue to single out people who harm as a distinct group, the Network has collaborated with survivors to develop relationship skills classes for anyone interested in building the skills to engage in the process of accountability. Burke explained that “when something dramatic and traumatic happens, if we haven’t practiced, we don’t just all rise to the occasion. We tend to do what we’ve always done.” Another project the Network has developed is Friends Are Reaching Out (FAR OUT), which supports survivors in breaking isolation and reconnecting with friends and family and to ask for the kinds of support they need. The project also supports people’s networks to come together when there isn’t imminent harm on the table to come to agreements on ways of approaching problems for when they arise. “We moved from there to people in more dangerous situations,” said Burke. The Network also has supported identitybased networks in constructing accountable communities. For instance, the community Seattle has supported femmes in constructing positive femme culture, art, and writing spaces that are “anti-racist and classaware”– not constructed in ways that exploit other women’s work. Similarly, the Network has sponsored a project called Intentional Masculinities to support trans men, masculine- identified women, people on the FTM spectrum, and some queer non-trans men in constructing accountable, “pro-feminist… loving, kind, strong, and hot” masculinities. Transforming Justice While we’ve seen some movement towards community-based responses to harms we face within our homes and networks, we have a lot more learning and growing to do. As we continue this work, it’s important that we continue to make the connections among “intimate violence, private violence, state violence, prison violence, and military violence,” as Angela Davis calls for on The We That Sets Us Free, and to make new connections with other forms of violence, like hate violence, as well. This is one area we also have much learning and growth to do in terms of responding to harms directed at us from outside of our immediate networks: How do we hold people accountable for the harm they do when we don’t have interpersonal relationships? In this moment, we have few, if any options for responses to racist, sexist, queerphobic and/or transphobic violence from people we don’t know. But in a political moment where liberals and moderates are beginning to locate hate violence on their radar, and engage with the state in responding, it’s critical that we examine our choice in language, strategy, and its impacts on our communities and the work of transformation. For instance, from the well- and less-publicized cases of Vincent Chin to Gwen Araujo and Sakia Gunn to the more recent Jersey Four–all survivors and victims of hate violence– what’s the impact when commentators, organizers, and/or cultural workers lead with the language of “hate crimes”? Defining hate violence as a crime, thus criminalizing it, enables people to be convicted of the crime and thrown into prison. We can ask similar questions of ourselves about this response as we do now of the impact of criminalizing domestic violence: What was the impact of pushing for a criminal legal response to this form of partner abuse? Did sending partners to prison, an environment and structure rooted in abuse, exploitation, and misogyny fostered by the state, make sense as a strategy to stop patterns of abuse and exploitation at home? We now know that this approach didn’t work, and that it did play a role in growing the use and justification for policing and imprisonment and expanding their harmful impact on our communities. Similarly, what is the impact of efforts to enact “hate crime” legislation and other policy efforts to limit the use of the “gay panic defense”? While such defenses are clearly absurd, efforts to limit their use ultimately are about being able to criminalize people. And when we’re facing the challenge of ending hate violence, does it make sense to respond to hate violence by calling for people to be sent into an institution that plays such an integral role in maintaining and strengthening white supremacy, the gender binary, and heteronormativity? When the only response put before us is to look for “justice” via the criminal legal system, when the enormity of what we’re facing seems as insurmountable as they do, it’s extremely hard to imagine another way. But tapping into our collective courage to dare to dream the world we want to live in is our fundamental task in the work of transformation. It’s organizing against imprisonment with people in women’s prisons and formerly imprisoned trans women–many of whom are survivors of violence at the hands of the state, and at home and/or on the streets prior to their imprisonment, many of whom are queer and/or trans people of color–that’s shown me more and more each day that investing any more of our collective “ideas, lives, and spirits” into the criminal legal system is futile–they will only continue to be “squashed by the bureaucracy and…total abuse and dehumanization,” as Misty Rojo said on The We That Sets Us Free. “It’s time we learned to stand up.” While we have a long ways to go, people have begun to take leadership. In 2005, members of the American Friends Service Committee (AFSC), INCITE!, Justice Now, the Transgender, Gender Variant, and Intersex Justice Project (TGJIP), and others convened and participated in a conversation about community-based responses to harm at Creating Change. Our intent was to push ourselves and the broader LGBT movement to be accountable to all parts of our queer and trans networks, including folks directly impacted by intersecting forms of violence. And the AFSC published and distributed the pamphlet “Close to Home: Developing In novative, Community-Based Responses to Anti-LGBT Violence,” in which they wrote, “Violence against LGBT people and other targeted groups is an explosive symptom of already shattered social, economic, cultural, and religious relationships in our communities, and of the fear, rage, and resentment that is the result of those shattered relationships. The problem isn’t ‘out there,’ located only in the beliefs and actions of the pathological few; it exists much closer to home.” ❚

### Friedmann 12

#### Private prisons cause more recidivism- turns case.

Friedmann 12 “The Societal Impact of the Prison Industrial Complex, or Incarceration for Fun and Profit—Mostly Profit” Jan 15 2012 Prison Legal News <https://www.prisonlegalnews.org/news/2012/jan/15/the-societal-impact-of-the-prison-industrial-complex-or-incarceration-for-fun-and-profitmostly-profit/> JW

More Violence and Increased Recidivism Another deleterious aspect of the private prison industry is that, contrary to the claims of for-profit prison companies, prisoners held in privately-operated facilities are subjected to higher levels of violence. Also, when prisoners are released from such prisons they are less likely to be rehabilitated and more likely to recidivate. Realizing why private prisons have higher levels of violence requires an understanding of the business model of the private prison industry and how the industry generates profit. At a basic level, public and private prisons have many similarities; both require cell blocks, fences, security staff, medical units, etc. In terms of operating costs, approximately 70-80 percent of a prison’s expenses are related to staffing. Specifically, how many staff members are employed, how much they are paid, what benefits they receive and the amount of training provided. Since such a high percentage of operating expenses are related to staffing, that is where private prison firms cut costs to generate profit. On average, they employ fewer staff members than comparable public prisons; they pay less than in the public sector; they offer fewer (or less costly) benefits; and they provide less training. These tactics undeniably reduce expenses for private prison firms and boost their bottom line, but at what cost? There is substantial evidence to support the business model of the private prison industry described above. For example, according to the 2000 Corrections Yearbook, the average starting salary for private prison guards was $17,628 while the average starting salary in public prisons was $23,002. More recently, when CCA announced plans not to renew its contract to operate the Hernando County Jail in Florida effective August 2010, the sheriff said he would resume control over the jail. He also said he would increase the salaries of qualified CCA employees retained at the facility by more than $7,000 annually, to bring them in line with the salaries of the county’s corrections deputies – indicating the pay differential between the public and private sector. In terms of training for corrections employees, CCA vice president Ron Thompson stated in June 2010 that the company provides “a minimum of 200 hours of initial training, along with at least 40 hours of annual training.” However, this is significantly less than the training that employees in some state prison systems receive. California, for example, requires “a sixteen-week, formal, comprehensive training program” consisting of 640 hours. In Alabama, state prison guards must “successfully complete 480 hours of correctional officer training at an approved Academy.” The New Jersey Dept. of Corrections requires a “14-week, in-residence NJ Police Training Commission course.” Less training allows private prison companies to cut costs, but at the expense of employing staff who are less prepared for work in a prison setting. In regard to job benefits, private prison employees do not enjoy government retirement plans, civil service protection or generous health insurance available in the public sector. As a result of paying lower wages, supplying less training and providing fewer benefits, private prisons have much higher staff turnover rates than their public counterparts. According to the last self-reported data from the private prison industry, published in the 2000 Corrections Yearbook, the average turnover rate at privately-operated facilities was 53 percent. The average rate in public prisons was 16 percent. More recently, a Texas Senate Committee on Criminal Justice report released in December 2008 found that the “correctional officer turnover rate at the seven private prisons [in Texas] was 90 percent (60 percent for the five privately-operated state jails), which in either case is higher than the 24 percent turnover rate for [state] correctional officers during FY 2008.” High staff turnover rates, in turn, mean less experienced employees who lack institutional knowledge about the facilities where they work, which results in greater instability in private prisons. Higher turnover also leads to under-staffing, as employees who resign or are terminated leave vacant positions that are not immediately filled. The 2000 Corrections Yearbook found that public prisons had an average guard-to-prisoner ratio of 1 to 5.6, compared with a ratio of 1 to 8 in private prisons – which reflects significantly less staffing at privately-operated facilities. Private prison companies have a financial incentive to keep staff positions vacant, as vacant positions mean reduced payroll costs and thus higher profits. Understaffing, instability and fewer experienced employees result in higher levels of violence. Several studies have shown that privately-operated prisons experience more violence, including a 2004 report in the Federal Probation Journal that found private prisons had over twice as many prisoner-on-prisoner assaults than in public prisons. A 2001 Bureau of Justice Assistance report found that private prisons had 65 percent more prisoner-on-prisoner assaults and 48 percent more prisoner-on-staff assaults than public prisons with comparable security levels. A more recent 2011 examination of private and public prisons in Tennessee revealed similar results, with privately-operated facilities having higher average numbers and rates of violent incidents than public prisons. There is also anecdotal evidence that security problems and violence are more likely to occur at private prisons as a result of the industry’s business model, which results in high staff turnover and thus inexperienced staff and greater institutional instability. As just one example, during a four-month period from May to September 2004, CCA experienced four major riots at prisons in Colorado, Oklahoma, Mississippi and Kentucky, plus a hostage-taking at a jail in Florida. A Department of Corrections report following the uprising in Colorado found that just 33 CCA guards were watching over 1,122 prisoners at the time of the riot – a ratio 1/7th that at Colorado state prisons (which had an average guard-to-prisoner ratio of 1 to 4.7). Some CCA employees had literally been “on the job for two days or less.” The CCA facility had a 45 percent staff turnover rate, and CCA guards were paid an average salary of $1,818 per month compared with $2,774 for state prison officers. As indicated above, these deficiencies are a direct result of the business model of the private prison industry. Certainly public prisons experience riots, violence and other problems, too – but the frequency and severity of such incidents in private prisons imply that those facilities are more prone to unrest and instability as a consequence of how the private prison industry cuts costs in order to generate profit. A related issue concerns the rehabilitation of prisoners in privately-operated facilities. Consider that for-profit prison firms have a vested interest in maintaining – and increasing – the number of people behind bars. The sole purpose of companies like CCA and GEO Group is to generate profit, not to ensure public safety, aid in the rehabilitation of offenders or reduce recidivism and thus decrease the amount of crime and victimization in our communities.

### McLeod 15

#### Prisons are a form of structural violence.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

Prisons are places of intense brutality, violence, and dehumanization.70 In his seminal study of the New Jersey State Prison, The Society of Captives, sociologist Gresham M. Sykes carefully exposed how the fundamental structure of the modern U.S. prison degrades the inmate’s basic humanity and sense of selfworth. 71 Caged or confined and stripped of his freedom, the prisoner is forced to submit to an existence without the ability to exercise the basic capacities that define personhood in a liberal society.72 The inmate’s movement is tightly controlled, sometimes by chains and shackles, and always by orders backed with the threat of force;73 his body is subject to invasive cavity searches on command;74 he is denied nearly all personal possessions; his routines of eating, sleeping, and bodily maintenance are minutely managed; he may communicate and interact with others only on limited terms strictly dictated by his jailers; and he is reduced to an identifying number, deprived of all that constitutes his individuality.75 Sykes’s account of “the pains of imprisonment”76 attends not only to the dehumanizing effects of this basic structure of imprisonment—which remains relatively unchanged from the New Jersey penitentiary of 1958 to the U.S. jails and prisons that abound today77—but also to its violent effects on the personhood of the prisoner: [H]owever painful these frustrations or deprivations may be in the immediate terms of thwarted goals, discomfort, boredom, and loneliness, they carry a more profound hurt as a set of threats or attacks which are directed against the very foundations of the prisoner’s being. The individual’s picture of himself as a person of value . . . begins to waver and grow dim.78 In addition to routines of minute bodily control, thousands of persons are increasingly subject to long-term and near-complete isolation in prison. The Bureau of Justice Statistics has estimated that 80,000 persons are caged in solitary confinement in the United States, many enduring isolation for years.79

#### The structure of prisons ensures rampant sexual abuse on inmates.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

In addition to the dehumanization entailed by the regular and pervasive role of solitary confinement in U.S. jails, prisons, and other detention centers, the environment of prison itself is productive of further violence as prisoners seek to dominate and control each other to improve their relative social position through assault, sexual abuse, and rape. This feature of rampant violence, presaged by Sykes’s account, arises from the basic structure of prison society, from the fact that the threat of physical force imposed by prison guards cannot adequately ensure order in an environment in which persons are confined against their will, held captive, and feared by their custodians.98 Consequently, order is produced through an implicitly sanctioned regime of struggle and control between prisoners.99 Rape, in particular, is rampant in U.S. jails and prisons.100 According to a conservative estimate by the U.S. Department of Justice, 13 percent of prison inmates have been sexually assaulted in prison, with many suffering repeated sexual assaults.101 While noting that “the prevalence of sexual abuse in America’s inmate confinement facilities is a problem of substantial magnitude,” the Department of Justice acknowledged that “in all likelihood the institution-reported data significantly undercounts the number of actual sexual abuse victims in prison, due to the phenomenon of underreporting.”102 Although the Department had previously recorded 935 instances of confirmed sexual abuse for 2008, further analysis produced a figure of 216,000 victims that year (victims, not incidents).103 These figures suggest an endemic problem of sexual violence in U.S. prisons and jails produced by the structure of carceral confinement and the dynamics that inhere in prison settings.

#### Prisons are an outgrowth of slavery- the institution causes rampant racism.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

Alongside imprisonment’s general structural brutality, abolition merits further consideration as an ethical framework because of the racial subordination inherent in both historical and contemporary practices of incarceration and punitive policing. Michelle Alexander’s The New Jim Crow popularized a critique of incarceration as a means of racialized social control in the United States, but Alexander’s account was preceded and accompanied by earlier historical, psychological, literary, and sociological studies focused on how maintaining social order through incarceration emerged as a way to preserve the power relationships inherent in slavery and Jim Crow; these studies further demonstrate how punitive policing and imprisonment continue to be haunted at their very core by a dehumanizing inheritance of racialized violence.128 These various accounts elucidate how in the immediate aftermath of the Civil War the ascription of criminal status—leading to the classification and separation of citizens and the curtailment of their rights of citizenship—served as an instance of the process Reva Siegel has called “preservation through transformation,” defined as the evolution of a mode of status-enforcing state action in response to contestation of the status’ earlier manifestations (in this case, chattel slavery and later de jure racial segregation).129 Because this history of slavery and Jim Crow’s afterlife in criminal punishment practices is already addressed elsewhere, here I will only briefly examine the racially subordinating structure of punitive policing and imprisonment insofar as it is relevant to an abolitionist framework and ethic.130 The significance of this material from an abolitionist standpoint is that it further underscores the constitutive role of degradation in core U.S. incarceration and punitive policing structures, as they fail to treat targeted persons as fully human and thus deserving of equal dignity and regard. Understanding practices of punitive policing and imprisonment as a legal and political technology developed, in large part, both through and for degradation and racial subordination calls for greater scrutiny of these techniques. In particular, critical analysis must attend to whether the purported ambitions of these techniques are meaningfully achieved and separable so as to disconnect the present applications of punitive policing and incarceration from their brutal racialized pasts. In this Subpart, I argue that the racial legacies of incarceration and punitive policing infect these practices to their core by shaping the tolerated range of violence in criminal law enforcement contexts, as well as by coloring basic perceptions of and ideas about criminality and threat. The racialized dimensions of punitive policing and incarceration are not, of course, merely historical; they are vividly present in, among other places, the continued killings of African American men by white police officers.131 As recently as the 1990s, some Los Angeles police officers referred to cases involving young African American men as “N.H.I.” cases, standing for “no humans involved.”132 In 2003, after a Las Vegas police officer shot and killed a black man named Orlando Barlow, who was on his knees, unarmed, and attempting to surrender, an investigative series by the Las Vegas Review-Journal revealed that the officers in the unit celebrated the shooting by ordering t-shirts portraying the officer’s gun “and the initials B.D.R.T. (Baby’s Daddy Removal Team)—a racially charged term and reference to Barlow, who was watching his girlfriend’s children before he was shot.”133 The acronym B.D.R.T. continues to circulate in police culture, as do the associated racially subordinating associations directed at African American men. For example, online stores that sell police-themed clothing continue to market B.D.R.T. t-shirts, and, in 2011, officers with the Panama City, Florida, Police Department adopted the acronym for their kickball police league team.134 Whereas Alexander argues the legacy and persistence of these dynamics require a social movement to markedly reduce incarceration and disproportionate minority confinement, my analysis entails in addition (or instead) that the structural character of these racial legacies requires a movement committed to the thoroughgoing replacement (and elimination) of these imprisonment and punitive policing practices with other social regulatory frameworks, along with a critique and rejection of many of criminal law administration’s ideological entailments.135 The racialized constitution of imprisonment and punitive policing began in the South even before the Civil War, though in the pre–Civil War period the relatively small population of Southern prison inmates were primarily white, as most African Americans were held in slavery.136 Although the legal institution of slavery was abolished with the end of the Civil War, the work necessary to incorporate former slaves as political, economic, and social equals was neglected, and in many instances actively resisted.137 In particular, criminal law enforcement functioned as the primary mechanism for the continued subordination of African Americans for profit.138 During Reconstruction, Southern legislatures sought to maintain control of freed slaves by passing criminal laws directed exclusively at African Americans.139 These laws treated petty crimes as serious offenses and criminalized certain previously permissible activities, but only for the “free negro.” 140 Specific criminalized offenses included “mischief,” “insulting gestures,” “cruel treatment to animals,” “cohabitating with whites,” “keeping firearms,” and the “vending of spirituous or intoxicating liquors.”141 These “Black Codes” were adopted by legislatures in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas.142 These laws quickly expanded Southern inmate populations and transformed them from predominantly white to predominately African American.143 Convict leasing was exempted from the Thirteenth Amendment’s prohibition on slavery, which outlawed involuntary servitude except in the case of those “duly convicted.”144 Criminal law enforcement was then used to return African Americans to the same plantations on which they had labored as slaves, as well as to condemn thousands to convict leasing operations, chain gangs, and prison plantations.145 Even before the Civil War, penitentiaries in the North contained a disproportionate number of African Americans, many of them former slaves.146 New York legislated the emancipation of slaves and the founding of the state’s first prison on the same date in 1796.147 In Alexis de Tocqueville’s and Gustave de Beaumont’s classic 1883 account, On the Penitentiary System in the United States and Its Application in France, the two wrote: “[I]n those [Northern] states in which there exists one Negro to thirty whites, the prisons contain one Negro to four white persons.”148 There are many similarities in form between slavery and the early Northern penitentiaries. Both subordinated their subjects to the will of others, and Southern slaves and inmates alike followed a daily routine dictated by white superiors. 149 Both forced their subjects to rely on whites for the fulfillment of their basic needs for food, water, and shelter. Both isolated them in a surveilled environment. The two institutions also frequently forced their subjects to work for longer hours and less compensation than free laborers.150 Although the basic structure of Northern prisons that purported to rehabilitate through a routine of solitude and discipline may seem at first blush quite removed from the dehumanizing and violent dynamics that characterized the Southern convict experience, one dehumanizing feature remained markedly constant: Even in rehabilitative contexts in the North, the penitentiary aimed to strip and degrade the inmate of his former self so as to reconstitute his being according to the institution’s preferred terms. And as commentators, such as Charles Dickens, noted at the time, the “slow and daily tampering with the mysteries of the brain” entailed by this form of incarceration could be “immeasurably worse than any torture of the body.”151 In the Reconstruction era South, whether sentences were short or long, convicted persons, especially African Americans, were routinely conscripted into vicious conditions of forced labor.152 For example, although the sentence for the crime of intermarriage in Mississippi was confinement in the state penitentiary for life, convictions were often punishable by a fine not in excess of fifty dollars.153 If a person was unable to pay, that person could be hired out to any white man willing to pay the fine.154 Preference was given to the convict’s former master, who was permitted to withhold the amount used to pay the fine from the convict’s wages.155 This common practice resulted in situations where freedmen would spend years, even entire lifetimes, working off their debt for a small criminal fine.156 By contrast to this sort of peonage and criminal surety operation, the convict lease operated through a bidding system wherein companies would offer a set amount of money per day per convict, and the highest bidder would win custody of the group of convicts and be entitled to their labor.157 Leased convicts worked on farms, constructed levees, plowed fields, cleared swampland, and built train tracks across the South.158 They moved from work site to work site, usually in a rolling iron cage, which also served as their living quarters during jobs.159 Convict lessors justified their use of convict labor because they claimed free labor was prohibitively costly; but as bidding expanded, the daily price of a convict’s labor increased and free labor began to compete.160 Eventually, it was this trend toward parity in the cost of free and convict labor, more than any outrage at the brutal exploitation of the convict lease, which led to the abolition of the lease and its replacement by the chain gang.161 Chain gangs, unlike the convict lease, worked on maintaining public roads and performed other hard labor in the public rather than private sector.162 State prisons also directly used African Americans for their labor, working prisoners in the fields for profit and holding them at night in wagons that were guarded by white men with rifles and dogs.163 Some prisons were actually constructed on former plantations, and consisted of vast tracts of land used for farming; white prisoners were appointed to serve as guards or trusties, assistants to the regular prison administrators.164 The state prison plantations could even generate considerable profit. For instance, in 1917, Parchman Prison farm in Mississippi contributed approximately one million dollars to the state treasury through the sale of cotton and cotton seed, almost half of Mississippi’s entire budget for public education that year.165 By 1917, African Americans still represented some ninety percent of the prison population in Mississippi.166 The most dehumanizing abuses in these various settings were directed exclusively at African Americans. 167 Southern states enacted statutes to prohibit the confinement of white and African American prisoners in shared quarters. In 1903, Arkansas, for example, passed a law declaring it “unlawful for any white prisoner to be handcuffed or otherwise chained or tied to a negro prisoner.”168 It is thus that the practices of U.S. criminal law administration were forged through the racial dehumanization of African American people.169 Whereas the connections between slavery and the Northern penitentiary were further removed, the penal state in the South preserved and expanded the African American captive labor force and maintained racial hierarchy through actual incarceration or threat of criminal sanctions, as well as through the conditions of confinement. As recently as 1970, in Holt v. Sarver,170 a District Court in Arkansas upheld the brutal exploitation of working convicts (almost all of whom were African American), concluding that the “[Thirteenth] Amendment’s exemption manifested a Congressional intent not to reach such policies and practices.” 171 The awful mistreatment directed at convicted persons under the convict lease, chain gang, and prison plantations of the South was in these ways inextricably tied to the afterlife of slavery and the failures of abolition as a positive program of the form W.E.B. Du Bois envisioned. In the Northern and the Western United States, prisons were used for solitary work and sought to reform inmates with a strictly controlled routine of labor and bible study. Prisoners were still usually segregated by race; African Americans were often relegated to substandard locations.172 Leasing was applied almost exclusively to African Americans convicted of crimes, because the Leasing Acts set aside prison sentences for persons serving ten or more years, and white convicts generally received more significant sentences because the courts rarely punished whites for less serious crimes.173 Very few whites convicted for petty criminal offenses were sent to prison, and when such sentencing occurred, whites routinely received quick pardons from the governor.174 Beyond criminal punishment, criminal law administration was also entwined with practices of racial subordination through lynching. Even in the North, lynch mobs would gather by the thousands outside the jailhouse or courthouse and wait until African Americans were released from pretrial detention.175 In some cases, criminal law enforcement officials themselves actively participated in the lynch mobs.176 Further instances of the direct entwinement of criminal law administration and overt racial violence abound throughout the twentieth century. Notable examples include the Scottsboro Boys Cases of the 1930s.177 The Scottsboro Cases involved the hurried convictions of nine young African American men, all sentenced to death by white jurors.178 The limited procedural protections afforded to these young men—the mob-dominated atmosphere surrounding their convictions, the denial of the right to counsel until the eve of trial rendering any assistance necessarily ineffective, and the intentional exclusion of blacks from the grand and petit juries that first indicted and later convicted the young men179—and their challenges to the U.S. Supreme Court arguably mark the birth of constitutional criminal procedure.180 This entwinement of racialized violence and the criminal process runs from the 1930s through the end of the twentieth century. It is prominently illustrated by, among other similar episodes, the brutal torture perpetrated against countless African American men over two decades, from the 1970s to 1990s, by white Chicago police officer John Burge and his deputies, who used suffocation, racial insults, burning, and electric shocks to coerce confessions, ultimately leading then-Illinois Governor George Ryan to commute all death sentences in the state.181 These uses of criminal law administration as a central means of resisting the abolition of slavery, Reconstruction, and desegregation, continue to inform criminal processes and institutions to this day by enabling forms of brutality and disregard that would be unimaginable had they originated in other, more democratic, egalitarian, and racially integrated contexts. As W.E.B. Du Bois predicted, this legacy of managing abolition and reconstruction in large part by invoking criminal law in racially subordinating ways, contrasted sharply with a different abolitionist framework, one that would have incorporated freed-persons into a reconstituted democracy: “If the Reconstruction of the Southern states, from slavery to free labor, and from aristocracy to industrial democracy, had been conceived as a major national program of America, whose accomplishment at any price was well worth the effort, we should be living today in a different world.”182 Our historical inheritance and this legacy illuminates the connection between the abolitionist path not taken in the aftermath of slavery and what ought to be an abolitionist ethos in reference to practices of prison-backed criminal regulation today. Instead, as the American economy underwent a shift from industrial to corporate capitalism in the 1970s, resulting in the erosion of manufacturing jobs occupied by poor and working class people in the inner cities, especially African Americans, a distinct underclass emerged, with few options for survival other than low wage work, welfare dependence, or criminal activity.183 This transformation in the U.S. economy contributed substantially to the emergence of a population that would be permanently unemployed or underemployed.184 In turn, federal, state, and local governments invested greater resources in coercive mechanisms of social control,185 prioritizing criminal law enforcement over other social projects, such as urban revitalization and expanded social welfare and education spending.186 In 1972, just before the National Advisory Commission on Criminal Justice Standards and Goals published the 1973 report noted at the beginning of this Article, there were 196,000 inmates in all state and federal prisons in the United States—a population housed in conditions that the Commission believed justified a ten year moratorium on prison construction.187 By 1997, however, the prison population had surged to 1,159,000188 and in 2002 there were a record 2,166,260 people housed in U.S. prisons and jails.189 This rapidly increasing population was characterized, as we now well know, by glaring racial asymmetries: As of 1989, one in four African American men were in criminal custody of some sort.190 In certain municipalities, the imprisonment rates for African Americans were even more striking. In 1991 in Washington D.C., 42.5 percent of young African American men were in correctional custody on any given day.191 In Baltimore during 1990, 56 percent of the city’s African American males between ages eighteen and thirty-five were either in criminal justice custody or wanted on warrants.192 By 2004, more than 12 percent of African American men nationally between the ages of twenty-five to twenty-nine were incarcerated in prison or jail.193 Although rates of incarceration and disproportionate minority confinement have declined very modestly in recent years because of fiscal crises at both the state and federal level, as well as a global decrease in crime, African American men remain subject to criminal confinement and arrest at rates that far exceed their representation in the population.194 Prisoners are generally no longer subjected to chain gangs or hard physical labor for profit, although these practices persisted in certain jurisdictions through the end of the twentieth century.195 Currently, another form of incarceration and punitive policing has emerged, one that effectuates the mass containment and exercises mass racial discipline, leading to the elimination of large numbers of poor and especially poor African American people from the realm of civil society. A felony conviction, disproportionately meted out to African Americans, Latinos, and indigent whites, results in a permanent loss of voting rights in most states, employment bars in numerous professions, and a lifetime ban on federal student aid, among other damaging consequences.196 These consequences further exacerbate the physically segregative effects of incarceration post-release, inhibiting opportunities for meaningful integration available to persons and communities most affected by incarceration.197 These consequences of conviction constitute a basic denial of equal citizenship, and, as such, conviction recreates the civil death associated with enslavement. Further, the criminal process still operates on a for-profit model importantly distinct, but not entirely removed from, earlier systems of confinement for profit that were the direct outgrowth of slavery.198 Prisoners’ labor does not itself directly provide a significant source of profit to a lessor or single business as it once did. Instead, large-scale incarceration—marked by prisoners’ suffering, dehumanization, and violence—generates a market for the construction of facilities to house approximately two million prisoners and jail inmates; the technology and mechanisms to maintain almost seven million persons under criminal supervision; and the employment of thousands of prison guards, prison staff, probation and parole officers, and other penal professionals.199 The large sums of money poured into prisons and criminal surveillance have drawn major firms and a variety of Wall Street financiers to prison construction.200 Underwriting prison construction through private finance and the sale of tax-exempt bonds has served as a lucrative undertaking in itself.201 Though only used to manage a small portion of detention facilities, private corrections corporations, such as Corrections Corporation of America and Wackenhutt, submit bids to governments to manage different detention systems, especially immigration detention, and guarantee to provide these services at a lower cost than the state is able to deliver.202 Additionally, vendors of everything from stand alone cells, hand and foot cuffs, razor wire, and shank proof vests make considerable profits from prisons.203 A single contract to provide prisoners in the state of Texas with a soy-based meat substitute, awarded to VitaPro Foods, went for $34 million per year.204 The profits for phone service inside prison walls make food contracts seem insignificant.205 Meanwhile, prisoners continue to serve as a captive labor force, working for approximately one dollar per hour, and often less.206 Numerous firms use prisoners as a component of their workforce in the United States, as do government entities that use prison labor to manufacture products that are then sold to other government agencies.207 Although prisoners are no longer forced to work by or for the state (as they were in the South well into the twentieth century), the perverse profit motive that spurred the convict lease system with all its horror might be understood in historical context as preserved yet transformed in these various other guises. Criminal fines and fees generate substantial additional revenue for the criminal process itself and for certain municipalities and other jurisdictions.208 And the grossly disproportionate number of African Americans imprisoned, arrested, criminally fined, and stopped by police further accentuates the associations between earlier forms of racialized penal subordination for profit and the contemporary racial dynamics of criminal law administration.209 The deep, structural, and both conscious and unconscious entanglement of racial degradation and criminal law enforcement presents a strong case for aspiring to abandon criminal regulatory frameworks in favor of other social regulatory projects, rather than aiming for more modest criminal law reform. Multiple studies have confirmed the implicit, often immediate, and at times unconscious associations made between African Americans, criminality, and threat.210 These associations, borne of this history, continue to be reproduced by these structures and by the development of punitive policing and incarceration practices that treat certain people as not fully human. To provide but a few examples, psychologists Jennifer Eberhardt, Philip Atiba Goff, and their collaborators studied how individuals in various scenarios determine who “looks like a criminal.” 211 Perhaps not surprisingly, controlling for other factors, the study’s subjects chose people who looked African American, particularly those who looked more “stereotypically” African American and those coded as having more “Afrocentric” features.212 In a similar study, psychologists Brian Lowery and Sandra Graham studied subjects’ responses to juvenile arrestees. When the study’s subjects were primed to understand the youth as African American, the juveniles were judged to be more blameworthy and deserving of harsher and more punitive treatment.213 Consciously expressed egalitarian racial beliefs did not significantly moderate the effects of implicit bias in these contexts.214 Conscious and unconscious biases on the part of police officers often have lethal outcomes. Shooter and weapons biases, for instance, are well-documented. In researching how subjects behave in simulated video game shooting settings, multiple studies have found that the likelihood of shooting a suspect who is armed or possesses a device other than a gun significantly increases when the suspect is African American and decreases when the suspect is white.215 This is true both for white and African American shooters.216 Similarly, psychologist Philip Atiba Goff and his colleagues, in a study examining archival material from actual death penalty cases in Pennsylvania, found that defendants depicted as implicitly “apelike” were more likely to be executed than those who were not; African Americans were more likely to be depicted as implicitly “apelike” than whites.217 Judges, jurors, and prosecutors in related studies likewise reflect considerable racial bias in their determinations at numerous critical stages of the criminal process.218 The landscape of contemporary criminal law enforcement is thus, in significant and fundamental respects, part of the afterlife of slavery and Jim Crow, and this legacy is deeply implicated in criminal law’s persistent practices of racialized degradation. Perceptions of criminality, threat, and the prevalence of violence, informed by these racialized material histories and dehumanizing associations, operate at all levels of criminal law administration, often without the relevant actors’ awareness. This suggests something of how difficult it would be to remove racialized violence from prison-backed policing and imprisonment while retaining these practices as a primary mechanism of maintaining social order. The racialized degradation associated with criminal regulatory practices, then, compels an abolitionist ethical orientation on distinct and additional grounds apart from the general dehumanizing structural dynamics addressed in the preceding Subpart, particularly insofar as there are other available means of accomplishing crime-reductive objectives.

#### There’s no evidence that prisons deter crime.

McLeod 15 Allegra (Associate Professor of Law at Georgetown) “Prison Abolition and Grounded Justice” UCLA Law Review 1156 (2015) <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2502&context=facpub> JW

Beyond the violence, dehumanization, and racial subordination associated with incarceration and prison-backed policing, what are the other effects of imprisonment? How should incarceration’s efficacy be assessed relative to these problems? What, after all, is the end of imprisonment and prison-backed policing? And how well does the prison-backed regime of criminal law enforcement fare in accomplishing its purported ends? To begin, determining the efficacy of imprisonment and prison-backed policing is no simple matter, because the question of criminal regulation’s efficacy must follow two prior questions: “Efficacy at what?” and “efficacy compared to what?” The assumption in the relevant economic and criminological literatures is generally that the only or primary relevant association is the relationship between incarceration rates and reported crime, or (less commonly) victimization rates. These comprise only one set of variables, though, among others that ought to be of concern. In particular, the effect of incarceration on other measures of welfare— education, democratic or civic participation, households’ ability to meet basic needs—is all too often neglected, as are imprisonment’s impact on racial and economic equality and other important social metrics. Further, narrowly framing the question of incarceration’s cost-efficiency as a comparison of incarceration rates relative to crime rates, and the effort spent to measure that relationship with ever-increasing specificity largely ignores the complexity of incarceration’s myriad significant impacts, the importance of other forms of social welfare, as well as how reformed social arrangements might produce better, more just, and more meaningful welfare-enhancing and crime-reductive effects.219 Even apart from this concern with the limited frame within which the efficacy question is generally posed, the existing empirical accounts of the relationship of incarceration to crime vary widely and present decidedly mixed results. Several studies identify no relationship between incarceration rates and crime rates,220 while other studies have found a crime drop of anywhere between 0.11 percent to 22 percent associated with a 10 percent increase in incarceration, depending on whether national-level, state-level, county-level or other data is used.221 One study even identified higher crime rates associated with higher incarceration rates in states with relatively high rates of imprisonment.222 Conse- quently, based on the available research, one could contend that a 10 percent increase in incarceration is associated with (a) no decrease in crime rates, (b) a 22 percent lower index crime rate, (c) a 2 percent to 4 percent decrease in crime rates, or (d) a decrease only in property crime but not violent crime.223 In short, to measure and weigh the possible crime reductive effects against the criminogenic and other consequences of incarceration has yet to be accomplished in any comprehensive and definitive manner.224 Further, even if all of the relevant variables could be properly and definitively accounted for, the political and moral significance of crime reduction as compared to other important social goals—such as equality, education, and poverty alleviation—would remain an open political and ethical question.225 To the extent crime prevention is entwined with larger goals of equality or education—for example preventing gender or race-based violence while simultaneously advancing gender or racial equality—crime prevention and reduction should not be pursued in a way that is inattentive to these other goals. In any event, at their best, regression analyses that seek to identify a relationship between crime rates and incarceration provide us with causal inferences about ways the world has behaved in the past. Although an obvious point, it remains an important, often overlooked consideration that these analyses rely on archival data and cannot meaningfully tell us how the world might be reconstituted in the face of significant shifts in social and political organization. In other words, there is nothing in the existing statistical analyses of the crimeincarceration relationship that undermines the interest or urgency of the ethical case for abolition and of other forms of social organization that might result in improved well-being and reduced violence. Additionally, any compelling account of the crime-reductive effects of incarceration ought to also be able to identify a mechanism through which incarceration functions to deter crime, or rehabilitate or incapacitate criminals.226 Any such crime-reductive causal mechanism’s impact will be affected, of course, by those dimensions of incarceration that are undoubtedly criminogenic, including the difficulty formerly incarcerated persons face in finding lawful employment after imprisonment and the vast incidence of unreported rape and other forms of violence inside prisons, to name but a few.227 Those who support incarceration for its supposed deterrent effect generally ground their account on Gary Becker’s writings on the economics of crime.228 In brief, in Becker’s model, raising the costs of criminal activity by imposing a penalty of incarceration will cause a certain number of potential criminals to decide not to pursue criminal activity because they will rationally weigh the costs and benefits of their possible future criminal conduct.229 This model, however, rests on a set of assumptions that apply poorly to many people who are inclined to criminally offend even if the model succeeds in capturing the deterrence of others who avoid criminal activity following cost-benefit calculations. The model assumes (a) that those who break the criminal law rationally calculate the costs and benefits of their intended course of conduct; (b) that they possess information and beliefs that allow them to assume a high likelihood of apprehension and sentencing; and (c) that criminal punishment will render those subject to it no more likely to commit future crimes than they would be otherwise. In fact, each of these assumptions is subject to substantial doubt, especially when considering the class of people prison sentences purport to deter most immediately rather than those who are likely to be law-abiding because of reputational interests, secure employment, family obligations or otherwise.230 Many people who break the criminal laws do so in a condition of severe mental illness, alcohol or drug addiction, or in a state of rage. In these cases, Becker’s assumptions of rational risk calculation are questionable, and hence the deterrent qualities of incarceration will have uncertain, if any, effect on them.231 Other people who break the criminal law surely believe (and often rightly so) that they are unlikely to be apprehended and sentenced. Most cases of child sexual abuse, for instance, go unreported, as do many cases of rape of adults; similarly, people in positions of power who engage in deceptive economic transactions and even many who physically harm others routinely evade any adverse consequence.232 What is more, criminal punishment may make those who are imprisoned more, rather than less, likely to reoffend. As discussed above, incarceration produces a set of destructive consequences for both the incarcerated and their communities, consequences that may tend to increase rather than decrease crime.233 This is not to say that incarceration has no deterrent impact,234 but that the assumptions of deterrence theory fail to apply to the large class of persons at whom criminal sanctions are directed, even if deterrence is effective in other cases. And any deterrent potential of punitive policing and imprisonment should be assessed bearing in mind the dehumanizing, racially degrading, violent, and otherwise destructive dimensions of these practices.235Further questions apply to incarceration’s purportedly incapacitating effects. By removing people from their home communities and transferring them into prison, incarceration generally prevents prisoners from committing crimes outside prison. But prison itself is a place where interpersonal violence, theft, and abuse are rampant and largely unreported.236 Therefore, incarceration does not necessarily reduce or incapacitate the commission of crime, but rather changes its location. In this respect, the argument for incapacitation reveals the disregard for the humanity of incarcerated persons that is inherent in the basic structure of U.S. penal discourse: This discourse only (or primarily) counts crime as significant if it occurs outside prison. Yet approximately 216,000 sexual assaults occurred in U.S. prisons in 2008, making prisons perhaps the most sexually violent place in the country, a site of serial rape.237 A further complicating factor for any account of incarceration’s incapacitating effects is that, insofar as imprisonment is criminogenic, it may reduce crime outside prison during the time a person is incarcerated, but it may likewise exacerbate that person’s likelihood of committing a criminal offense post-release.238 Although there is some evidence that rehabilitative programming in prison reduces recidivism relative to incarceration in harsher, more punitive conditions, this does not demonstrate that imprisonment is more rehabilitative than other modes of social response outside of the prison setting.239 In fact, there is good reason to think that interventions that address addiction or provide educational opportunities would more likely enable different patterns of behavior upon release if they occurred in a context more closely parallel to one that persons would live within over the longer term rather than solely within the context of incarceration. 240 This is not to deny the relative benefits of minimum security confinement with opportunities for education and addiction recovery programming over, for instance, long-term solitary confinement (a reform not inconsistent with abolitionist aims), but instead to suggest that there is no persuasive evidence that rehabilitative incarceration is more likely to produce desired results than an alternative array of interventions not organized around imprisonment. Accordingly, although various studies have attempted to demonstrate the crime-reductive effects of carceral sentencing through analysis of large datasets of reported crime and incarceration rates, as well as by using theoretical models of incarceration’s crime-reductive mechanisms, it remains the case, as economist John Donohue explains, that “the empirical literature has not yet generated clear and unequivocal answers to these key questions.”241 In particular, it is unclear whether “a reallocation of resources to alternative crime-fighting strategies would achieve the same benefits [of incarceration] at lower social costs . . . .”242 In economic terms, these analyses do not capture the potential opportunity costs of achieving order maintenance through prison-backed criminal law enforcement and incarceration, rather than through other means.243 There is compelling evidence that the opportunity costs of allocating public resources to incarceration are immense. Nobel Prize-winning economist James Heckman has found, for example, spending on early childhood education for disadvantaged children produces much higher returns than criminal law enforcement expenditures.244 To properly assess the desirability of incarceration relative to alternatives such as Heckman’s, one must also consider the enormity of the economic resources allocated to imprisonment and punitive policing. In 2008, U.S. federal, state, and local governments spent approximately $75 billion on corrections, primarily on incarceration.245 Expenditures on incarceration are particularly concentrated on disadvantaged populations from narrowly confined geographic areas. In certain blocks in Brooklyn, New York, for instance, the state has spent multiple millions of dollars per block per year to confine people in prison. 246 Similarly, Pennsylvania taxpayers have spent over $40 million per year to imprison residents from a single zip code in a Philadelphia neighborhood, where 38 percent of households have annual incomes under $25,000.247 Likewise, in one neighborhood in New Haven, Connecticut, the state spent $6 million per year to return people to prison for technical parole and probation violations.248 According to one recent study, reducing the incarcerated population convicted only of nonviolent offenses by half would result in cost savings of approximately $16.9 billion annually, without any significant associated decrease in public safety.249 It also bears noting that much crime goes unreported, unmentioned, hidden by the shame associated with victimization or as a result of other fears, including the fear of sending loved ones to prison.250 These forms of violence are not meaningfully accounted for in the existing analyses of incarceration’s efficacy. Indeed, much of the violence police inflict on young African American men during police searches and seizures is not even understood as criminal.251 The same could be said of myriad forms of harm inflicted upon the relatively powerless and dispossessed by those who escape entirely censure or redress. A poem attributed to an anonymous poet of the 1700s, and circulated variously in prison writing since, captures this final point well: The law will punish a man or woman who steals the goose from the hillside, but lets the greater robber loose who steals the hillside from the goose.252 In a speech to inmates in Cook County Jail in 1902, Clarence Darrow conveyed a similar abolitionist insight in these terms: The only way in the world to abolish crime and criminals is to abolish the big ones and the little ones together. Make fair conditions of life. Give men a chance to live. . . . There should be no jails. They do not accomplish what they pretend to accomplish. . . . They are a blot upon any civilization, and a jail is an evidence of the lack of charity of the people on the outside who make jails and fill them with the victims of their greed.253 In sum, the evidence as to whether incarceration and prison-backed policing meaningfully make us more secure is mixed at best, at least when the broader harmful effects of incarceration are accounted for, along with crime that occurs in areas, forms, and among populations where it currently goes unreported, unnoticed, and unaddressed. Unless the only important social goal is to reduce reported crime outside of prison at all costs, questioning the efficacy of incarceration requires considering any crime-reductive effects of incarceration relative to ethical concerns, social consequences, welfare measures, aspirations, and opportunities incarceration forecloses to govern ourselves in other more humane and just ways. At a minimum, the available evidence on imprisonment’s efficacy does not diminish the importance of the critical abolitionist ethical demand. The next Part explores how a critical abolitionist ethic differs from a more moderate reformist framework, before turning to consider abolitionist aims in a positive register—in line with W.E.B. Du Bois’ account of abolition as a positive project—as well as with reference to an overlooked variant of grounded preventive justice.

### Carlson 14

#### The self-defense debate is problematic for women on both sides.

Carlson 14 Jennifer (University of Toronto, Mississauga, Ontario, Canada) “From Gun Politics to Self-Defense Politics: A Feminist Critique of the Great Gun Debate” Violence Against Women March 30th 2014 <http://vaw.sagepub.com/content/early/2014/03/27/1077801214526045> JW

Some scholars argue that dismissing armed self-defense is pragmatically misguided. Kelly (2004) notes that while carrying a gun won’t solve the larger and more complex issues of living within a violent [and I would add unequal] society, it is one of the few ways a woman can level the field if someone large and adrenaline-charged is determined to do her lethal harm. (p. 5) In other words, women have to carry guns for self-protection, because there are no other effective, immediate options. Feminists who speak out against guns do not necessarily disagree, often implicitly disregarding the “physical feminism” of self-defense (whether armed or unarmed) (McCaughey, 1997). So the reasoning behind the “pacific” presumption goes: guns can only hurt women, and there are other, “better” options such as calling 911, engaging in risk reduction or avoidance, or, perhaps, depending on a brother, boyfriend, or husband. The image of female frailty colors pro-gun discourse. The pro-gun lobby supports women’s armed self-defense on the premise that women are incomplete and utterly vulnerable without guns. This is illustrated in the widespread narrative that dramatizes the gun as the solution to women’s physical vulnerability to men: guns are figured as the “great equalizer” that put 100-pound women on the same footing as 200-pound rapists, muggers, and murderers. Thus, on both sides of the great gun debate, there is a consistent subtext: On their own, women are intrinsically too physically weak to thwart a man’s attack. Of course, it is only the gun lobby that offers a way out of this “pacific” presumption: Women should be armed, preferably with guns. Yet the anti-gun lobby likewise elicits images of feminine frailty. It sees women as incapable of self-defense with a gun. As Stange (2006) notes, the anti-gun lobby has gravitated toward (oftentimes discredited) studies that provide “scientific” justification “not simply to dissuade women from arming themselves, but to convince them that guns are inherently dangerous to them” (p. 396). Instead, women should depend on others or somehow avoid victimization. This “pacific” stance, therefore, like the pro-gun stance, essentializes women’s frailty and weakness as inevitable. In doing so, both sides reproduce gender binaries (men are competent and strong; women are dependent and weak) as well as block a nuanced feminist approach to gender violence that acknowledges the multiple levels at which women are rendered vulnerable to sexual assault, rape, and other kinds of violence. Yet, what both sides fail to acknowledge is the data that indicate women are capable of effective, physical, unarmed resistance (see Ullman, 2007). To do so would be problematic for both camps. If women are capable of physically resisting assailants, guns might be unnecessary, creating problems for the gun rights lobby. However, if women are not inherently weak and frail, they are capable of using guns safely and effectively, creating problems for the gun control lobby.

#### The aff’s gun control perspective ignores the unique need for self-defense among minority and poor communities. Blanket statements like no one should have guns are harmful and perpetuate racism. The alternative is self-defense politics- the gun control/gun rights debate excludes people who cannot operate in either camp

Carlson 14 Jennifer (University of Toronto, Mississauga, Ontario, Canada) “From Gun Politics to Self-Defense Politics: A Feminist Critique of the Great Gun Debate” Violence Against Women March 30th 2014 <http://vaw.sagepub.com/content/early/2014/03/27/1077801214526045> JW

Far from eschewing guns altogether or embracing them as the ideal solution to women’s vulnerability, scholars who have studied women’s self-defense politics often acknowledge a deep conflict over guns. Kelly (2004) once again appeals to pragmatism by asking, Do women really want to arm themselves for self-defense? Probably not. In an ideal world, women would never have to fear attack. But that’s not the world we live in, whether home lies at the end of a silent country road or the thirty-fifth floor of a city highrise. (p. 2) Likewise, Floyd (2005), who owns guns and even obtained a concealed pistol license, expresses an ambiguous endorsement of guns that resists a clear normative relationship between women and guns: While in general I wish folks weren’t armed, I will admit that when I hear a story of a woman defending herself with her gun–when she stops her attacker or foils a kidnapping attempt or a rape–I’m glad she had her gun that day. For those whose life is in danger, I understand the need to be armed. (p. 175) Floyd’s acknowledgment that women experience different relationships to violence and guns leads her to resist a one-size-fits-all endorsement of gun control or gun rights. She leaves open the diverse meanings, barriers, and practices embraced and encountered by women who may fall victim to violence, who may choose to purchase firearms, and who decide to participate in self-defense training. This approach opens up a more meaningful discussion of who might most need access to the means of self-protection and who might be systematically barred from those means, despite the wide availability of firearms. Specifically, not all women are equally able to depend on others to protect them— whether police, husbands, or simply the structural securities provided by social privilege (Stange, 2006). White, middle-class women who live in the suburbs will generally have better access to police protection and will be more able to afford a range of security devices ranging from SUVs to home alarm systems. And should such women fall victim to crime, particularly perpetrated by strangers rather than domestic abusers, they will likely be viewed as virtuous victims, eliciting public sympathy (Stabile, 2006). Women who do not inhabit class and racial privilege may be precisely those who most need access to the means of self-defense (whether or not that includes guns); poor women of color, for example, are more likely to be victims of crime and also more likely to suffer from lack of police protection (Miller, 2008). They are also more likely to be treated with suspicion as to whether they are worthy victims (Floyd, 2005). Yet, these inequalities are largely ignored in gun control advocacy (Kelly, 2004). But if gun control advocacy assumes a White, middle-class subject, which women does the gun lobby represent? Today, women are courted by pro-gun outlets ranging from the NRA to Women & Guns, a magazine aimed at gun-toting women, while figures like Paxton Quigley have made a business of training women how to arm themselves for self-defense. Advertisements from the 1980s and 1990s, as Browder (2008) demonstrates, “promoted the notion that good mothers and responsible single women needed to carry handguns to ensure their own safety and the safety of their families” (p. 9). And although the NRA’s interest in women shooters is relatively recent (Floyd, 2005), Floyd’s (2005) She’s Got a Gun and Browder’s (2008) Her Best Shot both show that it is White women who have been historically courted by gun culture. White women were encouraged to carry a gun for self-defense at least as far back as the Civil War, and “firearms manufacturers have always targeted white middle- and upper-class [female] buyers” (Floyd, 2005, p. 142). Gun advertisements were typically “placed in family magazines designed to attract the gentry, despite the fact that white workingclass women, poor women, and women of color experienced greater violence” (Floyd, 2005, p. 142). This dominant framing continues to obscure armed women who do not fit into this narrative of White domesticity; Browder (2008) finds women of color virtually absent from Women & Guns. The silence about women of color perpetuated by both the gun rights lobby and gun control lobby has serious consequences. Consider the case of Marissa Alexander, an African American woman who was sentenced to 20 years in prison in May 2012 for three counts of aggravated assault. Despite the “Stand Your Ground” and “Castle Doctrine” laws that declare that a person has no duty to retreat from any place she has a legal right to be, especially her home, Alexander was unable to plead self-defense as she fired a warning shot toward her husband during a violent confrontation that he allegedly started. An African American woman from Jacksonville, Florida, Alexander stands at the intersection of race and class that makes her an unworthy subject of selfdefense. Women have historically been denied the right to justifiable homicide in the context of their own homes and instead have been treated as criminals (Gillespie, 1989), and armed African Americans have been historically treated with particular suspicion. Alexander’s case calls to mind Carlen’s (2010) observation that even though women are less likely than men to be punished, when they are, their punishment reflects a violation of both the formal control of the law and the informal control of femininity. The case demonstrates that women’s resistance to violence, particularly among women of color, remains culturally unintelligible, even in the relatively “progun” context of Florida. Alexander’s case further demonstrates that the decision to dial 911 versus use a gun already assumes a particular form of privilege in which both of those options are actually viable. Alexander’s case reveals that social reality exceeds both institutional expectations (i.e., the efficacy of dialing 911) and legal rights (i.e., the recognition of one’s right to self-defense). Alexander’s case suggests that feminists committed to interrogating interlocking oppressions should move away from whether or not women can or should defend themselves with a gun and instead ask the question of how, and with what consequences, their right to self-defense is constructed and restricted both culturally and legally. This requires a shift in public debate from the narrow question of gun politics to the broader issue of self-defense politics. Self-Defense Beyond the Gun A feminist position on self-defense seeks to avoid the pitfalls of both gun control advocacy and the gun lobby, rather than to endorse one side of the debate, hook, line, and sinker. It especially seeks to avoid the troubling binary that often emerges in debates surrounding gun politics: either increased gun control or expanded gun rights are touted as the solution to the problem of public safety. This fetishizing of the gun as the primary tool of self-defense—as much the result of gun control as gun rights advocacy—provides the NRA with a powerful narrative to situate itself as the defenders of women’s safety. Lawyer and activist Laura Ingram, for example, even went so far as to write in the Wall Street Journal that “Smith & Wesson and the National Rifle Association are doing more to ‘take back the night’ than the National Organization of Women and Emily’s List” (quoted in Browder, 2008, p. 213). Kelly (2004) notes that, “Like it or not, the NRA has become the predominant public face of gun ownership, and its positions and politics are often seen, erroneously, as representing those of all gun owners” (p. 273). But I would go a step further (to paraphrase Kelly): like it or not, the NRA has become the predominant public face of self-defense, and its positions and politics are often seen, erroneously, as representing those of all self-defense advocates. Gun control advocates fetishize the gun as forbidden fruit, while the gun lobby promotes the practical politics of self-defense to women. The Brady Campaign, the national organization of gun control, generally focuses on restricting and/or banning firearms. Politicians who advocate for gun control follow suit by introducing bans on firearms accessories and assault weapons, limits on magazine capacity, and restrictions on where guns can be owned and carried. At times, the Brady Campaign has embraced a more proactive politics aimed at funding support for victims of domestic violence as part of their initiative to disarm domestic abusers. For women who want to defend themselves, however, the Brady campaign has little to say other than that they should not use a gun to do so. When options are suggested, they are often ludicrous and insulting, such as the self-defense advice for women released by Illinois police in 2009, which suggested that outright resistance is futile but carrying a tongue depressor to induce vomiting may stop an assault. In contrast, the NRA has embraced a proactive politics centered on guns since the mid-1970s, when it founded its Institute for Legislative Action. The bulk of the NRA’s training and lobbying efforts narrowly define the right to bear arms as the right to own, carry, and use guns in self-defense. The NRA runs about 750,000 Americans through its programs every year. While the NRA’s “Refuse to Be a Victim” program is a nonfirearms self-defense course, the majority of its programs focus on gun-related training. There are no nationally recognized organizations that defend the right to self-defense without essentially substituting “self-defense” with “gun politics.” Moreover, because there are few organizational sanctions and more complex and sometimes more restrictive laws for other self-defense instruments such as knives, pepper spray, and tasers, women (and Americans in general) are limited by the legal and political environments in which they operate; far from sanctioning a wide variety of self-defense choices, the broad issue of self-defense becomes reduced to firearms. The pro- and anti-gun lobbies, together, produce a narrow kind of self-defense politics that fortifies a “self-protection with a gun or no protection at all” dichotomy. Many gun advocates (though not all) maintain that guns are the only sensible choice for self-defense. But the choice to carry a gun is not simply an objective question of the best tool; it is also a social question of what types of training are available and accessible (Hollander, 2004), and whether women are actually able to benefit from that training. The emphasis on guns as the “great equalizer” ignores the on-the-ground, gendered contexts in which women learn self-defense outside of women-only selfdefense spaces. Many women who might otherwise choose to become more proactively involved in their own self-defense may find that the masculine ethos of gun culture actually blocks their ability to learn how to use a gun proficiently. If guns are the only option, then these women may be cut out completely from self-defense. For a range of reasons, women may choose not to pursue gun ownership and carrying as a means of self-defense, but that does not mean that women should be left with no other option but to depend on 911, a tongue depressor, or a male protector. The broader availability of self-defense options (e.g., unarmed fighting techniques) falls from political purview as long as “self-defense” remains popularly equated with gun rights. Indeed, this narrow equation ignores what self-defense instructors most emphasize about self-defense. A feminist intervention shifts the basis of self-defense from a narrow gun politics to a broader self-defense politics. Such a strategy is consistent with evidence that physical resistance works for women. A body of scholarship suggests that far from further subordinating women, women’s participation in self-defense enhances their ability to defend themselves against sexual assault. Kleck and Sayles (1990), for example, show that women who fight back with a weapon (whether or not it is a gun) are more likely to avoid rape; pleading or reasoning with an attacker was the least successful strategy. Kleck and Sayles found that women who resisted rape with guns or knives experienced a 1% rape rate, while other scholars have found that force—regardless of whether a weapon is used—significantly enhances successful resistance (Ullman & Knight, 1993). In contrast, one study found that women who used only verbal strategies experienced a staggering rape rate of 96% (Zoucha-Jensen & Coyne, 1993; see also Ullman & Knight, 1993). The gist of these studies is that resistance, broadly defined, can stop sexual assault. Women’s capacity for and right to such resistance has been under-emphasized. Stange (2006) critiques both feminist and non-feminist human rights discourse, including the Universal Declaration of Human Rights and the Committee to End Discrimination Against Women, for the curious omission of women’s right to self-defense, despite comprehensive attention to other forms of discrimination. While feminists, policy makers, politicians, and activists have struggled to articulate and specify protection against various forms of gender discrimination (e.g., the right to divorce, the right to education, freedom from fear), Stange (2006) finds lacking “any articulation of women’s right to self-defense against violence, as a human right” (p. 401). An effort to broaden and redefine self-defense politics might create an unexpected alliance for both anti- and pro-gun camps. Over a dozen states restrict tasers, while the vast majority of states have no state preemption on knife laws, which means that laws vary widely from across jurisdictions. Still other states vary by the potency of pepper spray. Instead of continuing to ignore millions of American women who are actively seeking the means of self-defense, gun control interests—if sincere in their concerns about women’s safety—should actively seek to engage women about self-defense, rather than ignore their concerns altogether. Conclusion American women may find themselves caught in a political bind prefigured by the tension between gun rights and gun control politics. Practically and politically, women are often asked to choose between two options—self-protection with a gun or no protection at all. From a feminist perspective, both of these positions are problematic because neither adequately acknowledges the array of social conditions in which women may find that they need to defend themselves and the range of self-defense options that exceed the gun/no gun binary. Women’s varying relationships with guns are more complex than both the gun rights and gun control lobbies often acknowledge. But the irony is that in remaining silent about self-defense, the gun control lobby has actually left the pro-gun contingent with ample space to court women and defines selfdefense on their terms. The NRA has done far more than the Brady Campaign to make this shift possible; though their political rhetoric focuses on gun rights, they have put into place some infrastructure to train and educate people about self-defense beyond guns. This includes their Refuse to be a Victim program, which is a non-firearms self-defense course, as well as the Eddie Eagle program, another weapons-free, gun safety course for children. In many ways, the NRA does provide more to women looking to defend themselves than any other national political organization. It is, after all, the nation’s largest, most well-known self-defense training organization. That the Brady Campaign has allocated this entirely to the NRA explains in part why gun control advocates are unable to gain much ground in public debate. The gun control lobby has so fetishized the gun that it has forgotten what supposedly drives its political agenda: safety from violence. A move from gun politics to self-defense politics would constitute an important feminist shift. By acknowledging a range of self-defense options, not limited to but including armed self-defense, feminists can help break down the binary between disarmed, feminized victim and armed, masculine hero. Broadening the public debate from the issue of guns to that of self-defense would likely provide women with more accessible tools of self-protection without binding them to either carry guns or be defenseless.

### VPC 8

#### Big boomer handguns have the power of rifles; causes more crime and death to law enforcement officers.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

1. Big boomers are rifle power designed into handguns. During the 1990 to 1999 period, 20 law enforcement officers were killed by gunshot wounds as a result of rounds penetrating their body armor. All of these rounds were fired from rifles. However, the big boomer handguns that are now being designed and marketed by the firearms industry have elevated the power of handguns to the level of rifles. Big boomers have thus become “vest busters” and present a deadly challenge to law enforcement body armor’s life-saving record. 2. Big boomers—a serious new threat to America’s public safety officers—are the gun industry’s latest attempt to stop its steady market decline. The American firearms industry has been sagging for decades. Although the industry enjoys brief periods of resurgence, the long-term trend for civilian gun manufacturers continues to be one of steady decline. In order to expand its customer base, the gun industry has tried to lure women and children into the “shooting sports.” For recent example, it has mounted a national campaign to get more children interested in hunting, for the most part by watering down hunter safety laws and regulations so that younger children can hunt. However, the principal means gun manufacturers use to rejuvenate their stagnant markets is design and marketing innovation aimed at introducing greater lethality into the civilian market. Within the last several years, the industry has introduced “big boomers”—handguns that fire ammunition that can penetrate the body armor that has saved the lives of thousands of law enforcement officers over the last three decades. This big boomer market trend is now established as a profit-maker that is “good for business.” The number of manufacturers who make big boomers is increasing and the models they manufacture are proliferating. 3. Big boomers are “vest busters.” They threaten to make obsolete the body armor that has saved thousands of officers’ lives. Body armor can stop handgun rounds, but it cannot stop handgun rounds with the penetration power of higher-powered rifle rounds. 4. The Violence Policy Center (VPC) reported in June 2004 on the armor-defeating potential of the first new big boomer, a 50 caliber magnum handgun introduced by Smith & Wesson in February 2003, the Model 500. This handgun was designed around a new cartridge called the .500 Smith & Wesson Magnum. The striking power of the .500 Smith & Wesson Magnum round substantially exceeds the protection level of the highest grade of concealable body armor normally worn by law enforcement officers in the field, known as Type IIIA. The Model 500 thus combines the convenience of a handgun with the vest-busting power of a rifle, a clear danger to law enforcement personnel. In the few short years since their introduction, 50 caliber magnums have already begun to show up in criminal episodes. 5. The .500 Smith & Wesson Magnum round, and the Smith & Wesson Model 500 handgun, illustrate how the gun industry’s singular freedom from consumer product health and safety regulation allows it to recklessly develop and market increasingly lethal products without consideration for public safety. In its earlier report, the VPC stated: “Following a well-established gun industry pattern of design and price competition, it is likely that other manufacturers will soon develop and market their own versions of handguns chambered for the .500 Smith & Wesson Magnum round....[T]he 500 Smith & Wesson Magnum will proliferate as other manufacturers market copies of the round and handguns chambered for it. Prices will fall and the threat to law enforcement officers will rise.” 6. The current study documents that the predicted proliferation has indeed occurred. Smith & Wesson and now other firearm manufacturers continue their reckless pattern of designing and introducing into the civilian market handguns that are almost certainly capable of defeating law enforcement body armor. In addition to introducing a more easily concealable model of its Model 500, Smith & Wesson has designed and begun marketing yet another handgun with vest-busting rifle power, the Model 460 XVR (Xtreme Velocity Revolver). Other manufacturers have introduced their own version of handguns chambered for the .500 Smith & Wesson Magnum round.

#### The gun industry is dying now- big boomers are a last ditch effort to refuel the industry.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The firearms industry in the United States has been in decline for several decades. Although the industry has enjoyed periods of temporary resurgence, the long-term trend for the manufacturers of guns for civilians has been in steady decline. The industry’s latest attempt to stem this tide directly threatens America’s public safety officers. A Stagnant Industry. The firearms industry’s long-term stagnation is illustrated by Chart One, “Firearms Production 1984-2006,” which demonstrates that United States civilian firearms production in 2006 was not much greater than it had been in 1984. The recent up-tick in domestic production may be largely accounted for by “booming” military, law enforcement, and foreign markets (boosted by the weakened dollar), as opposed to civilian consumption.2 The Importance of Handguns. Simple inspection of Chart One also indicates that handgun production has driven overall American firearms production over the last 20 years. By and large, handgun boom years—caused by such phenomena as the introduction and aggressive marketing of high-capacity semiautomatic pistols in the early 1990s—have also been total gun production boom years. However, handgun manufacturers share with the broader industry the problem of long-term market stagnation, as illustrated by Chart Two. In 1984, 1,580,551 handguns were manufactured in the United States. In 2006, 1,403,329 handguns were manufactured, an 11 percent decline over the two decades. The plummet in production is more dramatic if one compares the production of 2,655,478 handguns in the peak boom year of 1993 with 2006 production, a 47 percent decline over the decade. The situation would be even worse were it not for a surge in buying by government agencies in the wake of the terrorist attacks of September 11, 2001, which caused an upturn in 2002 and 2003 handgun production. “Driving much of the increase is the high demand for firearms to meet the needs of federal agencies and law enforcement,” according to Shooting Industry magazine.3 The Decline in Hunting. One reason for the gun industry’s long-term slump is the steady decline in hunting, a traditional market for rifles and shotguns. “Hunters represent an aging demographic,” The Wall Street Journal summed up.4 In addition to demographic stagnation, absorption of rural land by expanding suburbs has decreased the number of places where hunters can hunt. “Now there are Wal-Marts and shopping centers where I used to hunt,” said a Florida hunter.5 This basic trend has been accelerated by the past decade’s real estate boom and by increased oil and gas drilling on public lands—the number of permits issued for such drilling by the U.S. Bureau of Land Management more than tripled from 1999 to 2004.6 Changes in society’s values and alternative recreational activities for young people have also hurt hunting. “Instead of waking up at 4 a.m. and going hunting, it’s easier for kids to sleep in until 9 and play video games,” a California wildlife official observed.7 The net result of these pressures has been that the number of hunting licenses issued nationally declined 10 percent over two decades, from 16.4 million in 1983 to 14.7 million in 2003.8 Key hunting states continue to experience similar losses: the number of general hunting licenses issued in Pennsylvania fell 13 percent from 1996, when about 990,000 licenses were issued, to 2003, when only 857,000 were issued.9 In Michigan, the number of hunting licenses issued dropped from about 2.7 million in 2000 to about 2.5 million in 2004.10 In Florida, licenses issued fell 36 percent from 265,617 in the period 1980 to 1981 to 170,949 in the period 2003 to 2004.11 The toll is likely to continue: the industry’s own studies predict that the number of hunters will plummet another 24 percent over the next 20 years.12 The decline in the number of hunters has a longer-term ripple effect on the gun market—hunting has traditionally been a gateway for bringing young people into the gun culture. Exposure to firearms at home during childhood increases by three times the likelihood that an adult will buy a firearm.13 Fewer young hunters clearly means fewer children will be turned into future gun buyers. The Cumulative Drop in Gun-Owning Households. The gun industry’s cumulative loss of market ground is reflected in a 2006 study, “Public Attitudes Towards the Regulation of Firearms,” released by the National Opinion Research Center (NORC) at the University of Chicago analyzing the prevalence of household firearms. The NORC survey data shows that during the period 1972 to 2006, the percentage of American households that reported having any guns in the home dropped nearly 20 percentage points: from a high of 54 percent in 1977 to 34.5 percent in 2006.a The Gun Industry’s Answers to Market Decline—Babes in the Woods. Given these implacable realities, the firearms industry's persistent challenge over the last several decades has been figuring out how to deal with the chronic problem of moribund markets in which “more and more guns [are] being purchased by fewer and fewer consumers.”14 One means that the industry has employed is trying to expand the pool of gun buyers. This is done principally by marketing guns to children and women. “In keeping with the industry’s push for growth, they’re working hard to lure women,” reports The Wall Street Journal. “They also expect that effort to pay future dividends if moms bring their kids along, too, and groom the next generation of Daniel and Danielle Boones.”15 According to other informed observers of the business of guns, “retention and recruitment efforts are being ramped up and range from trying to repeal laws that limit youth hunting to psychology-based campaigns aimed at getting young people familiar with gun use.”16 For example, the industry’s trade association, the National Shooting Sports Foundation (NSSF), has mounted a national lobbying campaign to pressure state legislatures to lower the age at which children can hunt and to eliminate safety rules that require adults to accompany child hunters. “We’re trying to take down some legal barriers so kids can get involved earlier,” according to an NSSF spokesman.17 These efforts are said to be “built on the research of psychologists like Jean Piaget,b who pioneered the study of children’s intellectual development [and] focus on the psychological requirements to build an inclination toward hunting starting at an early age.”18 Since the attacks of September 11, 2001, the gun industry has also attempted to exploit the popular fear of terrorism as an incentive to bring new consumers into the firearms market,19 just as in the past it has exploited fear of violent crime as a marketing pitch.20 These post-9/11 efforts have met with little success. The previously cited NORC study states: “Some have speculated that the 9/11 terrorist attacks undermined support for the regulation of firearms, arguing that fear of terrorism increased the public desire for firearms for self-defense. However, this was not the case.”21 22 Referring to earlier findings published by NORC researchers, the study reported that “except for a small bulge in handgun applications in September- October, 2001 which had already started to subside by November, there was no increase in firearm purchases in response to the 9/11 attacks.”23 Innovation. The industry’s principal avenue of addressing its stagnant markets, however, has been developing innovative gun designs aimed at stimulating repeat purchases of its products. “I think innovation is critical to the industry,” Smith & Wesson’s marketing chief said in 2005.24 For the gun industry, innovation has translated into introducing increasingly deadly firearms into the civilian market. The gun industry uses firepower, or lethality, the way the tobacco industry uses nicotine. Firearm lethality is a means to “hook” gun buyers into coming back into the market again and again as more deadly innovations are rolled out. In recent years, these innovations have included the design and mass marketing of semiautomatic assault weapons, highly concealable, high-powered pistols that the industry dubbed “pocket rockets,” 50 caliber anti-armor sniper rifles, and—the subject of this report—handguns capable of defeating law enforcement body armor, either because they are as powerful as rifles, or are specifically designed around armor-defeating ammunition.25 “The Muscle Cars of Handguns.” The industry’s innovative lethality now has become unabashedly sinister, directly threatening the lives of America’s first responders. Using advanced technologies and new materials, gun manufacturers are designing and recklessly introducing into the civilian market handguns that are capable of defeating the body armor that has saved the lives of thousands of law enforcement officers over the last three decades. The Violence Policy Center first reported in detail on this development in June 2004 in the study Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry’s Latest Challenge to Law Enforcement Body Armor. The present study updates that report, documenting the industry’s increasing marketing of armor-defeating “vest busters.”

#### Big boomer possession spurs police militarization.

VPC 08 Violence Policy Center (national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz) “Big Boomers” December 2008 [www.vpc.org/studies/bigboomers.pdf](http://www.vpc.org/studies/bigboomers.pdf) JW

The Gun Lobby Defends Smith & Wesson’s Vest Buster. The Smith & Wesson 500 Magnum became a “humongous seller” according to a spokesman for the gun company.43 It was named “Handgun of the Year” in 2003 by a grandiloquent entity calling itself the “Shooting Industry Academy of Excellence”—in reality simply a selfserving appendage of the gun trade magazine Shooting Industry.44 There was, however, a fly in the rehabilitative ointment of the company, which has historically been close to foundering on financial shoals.45 Some law enforcement officials raised independently precisely the question posed in the VPC’s report on the vest-busting gun. “My question is why?,” a Pinellas County, Florida, sheriff sergeant and firearms instructor was quoted in the St. Petersburg Times as asking. “That’s way too much firepower, and you’d hate to see it in the wrong hands. When the playing field gets tilted in favor of the streets, law enforcement has to come back with equal firepower and new laws.”46

### Bump 13

Bump 13 Pamela “GUN MANUFACTURING GIANT SMITH AND WESSON PLAGUED BY DETRIMENTAL ENVIRONMENTAL WASTE” May 2013 Equinox <http://kscequinox.com/2013/05/gun-manufacturing-giant-smith-and-wesson-plagued-by-detrimental-environmental-waste/> JW

It states in a Toxic Release Inventory Report from the EPA, shown on Envirofacts.com, that Smith and Wesson transports toxic waste materials to various locations and treatment plants. Since 2011 Smith and Wesson has transferred wastes to a Publicly Owned Treatment Works or a POTW in Agawam, Mass. The most common toxic waste element transported to other locations from their headquarters is known as sodium nitrite. Another recent waste of the company transported for treatment has been chromium.

Sodium Nitrite is most commonly seen in foods and is used to prevent the growth of bacteria. However, overuse of the salt can cause medical problems like cancer, according to Livestrong.com. According to the EPA’s “Hazardous Substance Fact Sheet,” sodium nitrite is considered a hazardous chemical as it also causes skin, nose, throat and eye irritation with contact, as well as headaches, nausea, vomiting, diarrhea and abdominal pain. High levels of the substance can “reduce the blood’s ability to transport oxygen, causing headache, fatigue, dizziness, and a blue color to the skin and lips (methemoglobinemia),” according to the fact sheet. It is also noted that in some cases, exposure to high levels may even cause death.

Chromium, according to the EPA’s website, is most commonly used in making steel and other alloys. The EPA’s website noted, “Chronic inhalation exposure to chromium in humans results in effects on the respiratory tract, with perforations and ulcerations of the septum, bronchitis, decreased pulmonary function, pneumonia, asthma, and nasal itching and soreness reported. Chronic human exposure to high levels of chromium by inhalation or oral exposure may produce effects on the liver, kidney, gastrointestinal and immune systems, and possibly the blood.”

The TRI report also indicated that these substances are moved to a various locations for treatment or disposal in other states including, most commonly, waste treatment plants or facilities in Michigan and Connecticut.

When it comes to chemical releases, in 2010 Smith and Wesson Holding Corporation’s main facility in Springfield, Mass., released and transferred a total of 31,516 pounds of nitrate compounds and 22,920 pounds of sodium nitrite in 2010, according to Compliance Reports shown by the EPA, which noted TRI history from 2003 to 2010 . According to a Toxic Release Inventory Report on Envirofacts.com, 100 pounds of toxic chemicals were released in 2011 while being transferred to “off-site disposal” These chemicals excluded “dioxin or dioxin-like compounds.”

Also in the report, it lists 100 pounds of chromium compounds were released during the process of disposal. The report also shows that there has been no on or off-site recycling or energy recovery at this specific facility. There is also no on-site treatment amount or projected amounts listed. However it was reported that there was an off-site treatment of over 57,000 pounds of waste in 2011.

It is also projected in the TRI report that there will be an off-site treatment of 69,000 pounds of waste in 2013. These compounds excluded dioxin and dioxin-like products. However, Dioxin and Dioxin like products similarly showed no report of on-site recycling, treatment or energy recoveries.

Dioxin is considered to be one of the most hazardous chemicals by many experts. In 1982, the town of Times Beach, Missouri faced contamination with the chemical after contaminated oils were spread on the streets to prevent dust. The EPA’s website stated, “Dioxins can be released into the environment through forest fires, backyard burning of trash, certain industrial activities, and residue from past commercial burning of waste. Dioxins break down very slowly and past releases of dioxins from both man-made and natural sources still exist in the environment.” The EPA has also noted that exposure to dioxin can be linked to cancer, miscarriage and sterility.

Smith and Wesson’s 10-Q report filed for July 2010 by the company explained, “We do not have insurance coverage for our environmental remediation costs. We have not recognized any gains from probable recoveries or other gain contingencies. The environmental reserve was calculated using undiscounted amounts based on independent environmental remediation reports obtained.”

Financially, Smith and Wesson reserved finances for remediation of waste purposes, according to the 10-Q form. Smith and Wesson set aside $638,000 in reserves to remediate waste. The company also stated, “Our estimate of these costs is based upon currently enacted laws and regulations, currently available facts, experience in remediation efforts, existing technology, and the ability of other potentially responsible parties or contractually liable parties to pay the allocated portions of any environmental obligations.”

Smith and Wesson also noted in the 10-Q report that, “Based on information known to us, we do not expect current environmental regulations or environmental proceedings and claims to have a material adverse effect on our consolidated financial position, results of operations, or cash flows.”

### Cal RR Discussion

#### States will pass weak versions of the aff- you don’t solve case. At worst, the perm’s key to enforcement.

DeFilippis and Zimring 16 Evan DeFilippis (graduated number one in his class at the University of Oklahoma with degrees in Economics, Political Science, and Psychology. He is a Harry S. Truman Scholar, a David L. Boren Critical Languages Scholar, and currently works as a research analyst at Quest Opportunity Fund. His work on gun violence has been featured in Washington Post, Atlantic, Slate, VICE, Huffington Post, Vox, Media Matters, Boston Review, and many others) and Franklin Zimring (Law Professor at University of California, Berkeley School of Law, J.D., University of Chicago, Zimring's major fields of interest are criminal justice and family law, with special emphasis on the use of empirical research to inform legal policy) “Cal RR Finals Post-Round Discussion [Transcript]” Debate Matters March 5th 2016 JW

Jonas: Uh, my name is Jonas. Uh, I go to Palos Verdes Peninsula High School in Los Angeles. Uh, I guess my question is, in terms of implementing a ban on the private ownership of handguns in the United States, what are the pros and cons of doing it on a federal level versus a state level, and which personally do you think is better? Randall: Professor? Profess? Zimring: Uh, there's another book, but it's an old one. It's called Firearms and Violence in American Life, it's the taskforce on violence. The National Violence Commission. Uh, possibly written after your parents were born. Uh, and unfortunately I was a co-author, and the answer is that the overall enforcement of the part of it, which is the commerce in guns, has to be federal, but the, the number of street and law enforcers who are federal in the United States is quite minimal, and that's about the only defense of liberty we have these days, so it is the, the municipal government ... Whatever gun control is at retail on the streets, our municipal police and sheriffs, federal standards, but local, uh, uh, officials doing, and the truth of the matter is that that means that the gun control is either going to be as good or as bad as the local police are. If they are members of the Klu Klux Klan, you're going to get the kind of gun control that you had in the American Southern States all during the late 19th century and early 20th century. If police enforcement is both meticulous and even-handed, you've got a chance, but they've got to be the foot soldiers, the standards have to be national, and the regulatory rules have to national. DeFilippis: Yeah, I mean I echo those thoughts. I think federal implementation is far more credible. Uh, the regulatory regime, uh, needs to be consistent and, uh, needs to have credibility. Uh, my only fear with, um, leaving it up to the states is that it runs the risk of, uh, some of the more conservative states that may be, uh, allergic to gun control, implementing extremely weak, or watered down versions of, of, of gun control legislation, which we're already seeing that sort of sloppy patchwork of state laws and municipalities allows, uh, you know, private retailers to set up shop just outside the outskirts of, um, areas with strict gun control regulation and sort of bypass, uh, uh, state level law, so um, yeah I think it's far more intelligent to do it on a federal level.

## Defilippis and Hughes

### Suicide

#### Good ev that guns cause impulsive suicides.

DeFilippis and Hughes 14 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “MORE GUNS, MORE SUICIDES – THE VICIOUS RELATIONSHIP” Armed With Reason March 29th 2014 <http://www.armedwithreason.com/more-guns-more-suicides-the-vicious-relationship/> JW

The Impulsiveness of Suicide An impulsive suicide is one for which there is very little preparation prior the attempt. A 2001 study, using the Beck’s Suicidal Intent Scale, examined 478 individuals who attempted suicide, and found that more than half (55 percent) of attempts could be classified as “impulsive,” while only about one-sixth (17 percent) of attempts were premeditated. One study found that 40 percent of suicide attempt survivors contemplated suicide for less than five minutes before the attempt. Another study examined self-inflicted gunshot wounds that would have been fatal in the absence of emergency treatment. The researchers found that none of the 30 individuals who attempted suicide had written a note, and more than half of them said that the thought to commit suicide occurred within 24 hours of the attempt. In a two-year follow up, none of the 30 had attempted suicide again, and the overwhelming sentiment among the group was that they were happy to be alive. The data is clear, then, that there’s nothing “inevitable” about a suicide, nothing predictable about impulsiveness. To turn a blind eye to suicide based on the pretense that they’ll “just try again” demonstrates a profound ignorance of the psychology of suicide, and a callous unwillingness to consider the struggle of another human being. The Data The latest available data on suicide rates, published by the Centers for Disease Control, shows that 38 [thousand],364 suicides occurred in the United States in 2010 — an average of 105 each day. This made suicide the tenth leading cause of death for all age groups. More people kill themselves with guns than all other methods combined. Males are atparticularly high risk of firearm suicide, given that guns account for 56 percent of male suicides, but 32 percent of female suicides. Firearms tend to be the weapon of choice for a suicide given their lethality factor — for example, one study from Dallas found that, of those attempting suicide with a gun, 76 percent died. Dr. David Hemenway of the Harvard School of Public Health summarized 10 studies in the previous 20 years examining the relationship between gun ownership and suicide and found that “all [of them] find that firearms in the home are associated with substantially and significantly higher rates of suicide.” Furthermore, every single case control study done in the United States has found thepresence of a firearm is a strong risk factor for suicide. (That’s 24 separate studies). The most recent case-control study published in the American Journal of Epidemiology found at least five reasons to believe that firearm ownership is drivingthe suicide rate: The association between firearm availability and suicide is robust to adjustments for measures of psychopathology and aggregate-level measures of suicidality such as depression, mental illness, alcoholism, poverty, unemployment, and drug abuse. The risk of suicide extends beyond just the gun owner to all members of a household, and lasts for years after the firearm has been purchased. The rates of psychiatric illness and suicidal tendencies is similar in households with and without firearms across the United States. Multiple ecological studies have confirmed the results of individual-level studies to show aggregate-level trends in suicide rates. Suicide attempts are not significantly associated with firearm ownership rates. If it were the case that gun owners had stronger suicidal proclivities than non-gun owners we would expect the suicide attempt rate to be positively associated with the firearm ownership rate, but it isn’t. This means that the primary way through which firearms influence the suicide rate is by making each attempt comparatively more lethal than other methods. There is little controversy, then, that firearms exacerbate the suicide rate primarily by increasing the likelihood of a “successful” suicide attempt. Discussion about suicide should be at the forefront of gun control debates, yet it is often a footnote in meaningful policy discussion. This reflects poorly on our nation’s priorities — it shows a cruel insensitivity to the value of human life, and a miscalibrated sense of morality which says that change is only worth having if it benefits me.

#### Impulsivity means they won’t do it anyway.

DeFilippis and Hughes 13 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “SUICIDES: THE MISSING MOVEMENT- WHY MORE GUNS MEANS MORE SUICIDES” Armed With Reason October 31st 2013 http://www.armedwithreason.com/suicides-the-missing-movement/ JW

Study finds the impulsiveness of suicide is related to a “disability of the suicide attempters to regulate their serotonin and dopamine levels, e.g. in response to external stress” (Ryding, 2006). Before we delve into this question, I want to make it clear precisely why ‘means reduction’ strategies are effective at reducing overall suicide rates. An impulsive suicide is one for which there is very little preparation prior to a suicide attempt. A 2001 study, using the Beck’s Suicidal Intent Scale, examined 478 individuals who attempted suicide, and found that more than half (55%) of attempts could be classified as ‘impulsive’, while only about one-sixth (17%) of attempts were premeditated. Other studies use time criteria to temporally operationalize impulsiveness. One such study found that 40% of suicide attempt survivors contemplated suicide for less than 5 minutes before the attempt. In addition, the most recent data set from the National Violent Injury Statistics System reported that 61% of suicide victims had not indicated intent to commit suicide to friends or family members prior to the attempt. If we are interested in decreasing the suicide rate (which we should be), then we ought to invest in policies that decrease the probability than these transient moments of impulsiveness will have lethal consequences. If it were the case that suicides are the inevitable byproduct of some chronic mental or environmental issue, we should expect forecasting a future suicide may be possible. However, research has found that, because of suicide’s inherent impulsivity, statistical prediction is nearly impossible. An American study of 4,800 veterans admitted in psychiatric facilities in Houston found that, “we do not possess any item of information or any combination of items that permit us to identify to a useful degree the particular persons who will commit suicide.” A suicide prevention researcher substantiated this claim, arguing that, because of the low base rate of suicide one “would need a test of unbelievable sensitivity and specificity to be of use.” It should be clear, then, that there’s nothing “inevitable” about a suicide, nothing predictable about impulsiveness. To turn a blind eye to suicide based on the pretense that they’ll “just try again” demonstrates a profound ignorance of the psychology of suicide, and a callous unwillingness to consider the struggle of another human being.

#### It’s causation, not just correlation.

DeFilippis and Hughes 13 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “SUICIDES: THE MISSING MOVEMENT- WHY MORE GUNS MEANS MORE SUICIDES” Armed With Reason October 31st 2013 http://www.armedwithreason.com/suicides-the-missing-movement/ JW

Two theoretical caveats problematize the assessment of causation, and should be mentioned before delving into the literature on this topic. First, though a correlation exists between gun ownership per capita and suicide, there may be a self-selection bias. That is, that the types of people who are likely to own guns might be predisposed to suicidal behavior. It could also be the case that some exogenous change in the environment decreased suicide rates and gun ownership concomitantly. A more liberal Congress, for example, might implement both gun regulation policies and suicide prevention policies, producing the illusion of causation between these two variables. Both of these issues have been dealt with through statistical techniques and robust research methods, and the data clearly show that the direction of causality runs from guns to suicides. A 2000 paper by Ludwig and Cook estimated whether declines in suicides over the period 1985-1997 were associated with the passage of the Brady Handgun Violence Prevention Act. The Brady Act required that federally licensed firearms dealers perform a background check and implement a five-day waiting period prior to the sale of a handgun. Eighteen states and the District of Colombia already satisfied Brady requirements, while the other thirty-four states required more stringent procedures. Therefore, researchers observed a natural experiment in which the states that already met Brady requirements were considered a ‘control’ group, and were compared against states in which dealers and law enforcement officials had yet to implement requirements. The study found that the legislation produced a significant reduction in suicide rates among persons aged 55 or older, suggesting that suicidal impulses in older individuals were attenuated by the imposition of the five day waiting period, thereby decreasing the suicide rate. A 2006 paper published by Miller and colleagues at the Harvard School of Public Health explored changes in household firearm ownership in the United States over the period 1981-2002 as it related to a decline in the suicide rate, controlling for age, unemployment, per capita alcohol consumption, and poverty rates. Household gun ownership levels and rates of firearm and non‐firearm suicide mortality: United States, 1981–2002 (Miller et al., 2006). The study found that, for every 10% decline in the household firearm ownership rate, firearm suicides decreased by 4.2%, and total suicides dropped by 2.5%. The decline in suicide rates was highest among children. Examining just households containing both children and firearms, every 10% decline in the percentage of households owning a firearm was related with a 8.3% drop in the suicide rate for individuals between the ages of 0-19. Gun-regulation opponents alleging that this study is merely correlation should have to point out some covariate not accounted for in this analysis that could simultaneously explain why changes in the firearm suicide rate are related to changes in firearm ownership rate, but not related to the non-firearm suicide rate (as might be the case with an exogenous environmental change). Furthermore, the largest study done to assess mental health trends in the United States over the period investigated by the paper found that there was no significant change in suicidal tendencies between 1990-2000. We therefore have evidence that, even after holding psychological tendencies constant, the presence of guns has a dramatic effect on the suicide rate.

### Homicide

#### New study proves causation, not just correlation.

DeFilippis and Hughes 15 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “New Study Is Latest to Find That Higher Rates of Gun Ownership Lead to Higher Rates of Violent Crime” The Trace June 24 2015 <http://www.thetrace.org/2015/06/new-study-is-latest-to-find-that-higher-rates-of-gun-ownership-lead-to-higher-rates-of-violent-crime/> JW

A Gallup poll taken last October found that around 63 percent of Americans believe that having a gun in the house makes their home safer. It’s a perception in keeping with a constant refrain from the National Rifle Association and other gun-rights proponents, who have steadfastly pushed the idea that a society with more guns leads to less crime, and that “the only way to stop a bad guy with a gun is a good guy with a gun.” But those arguments, however persuasive on the surface, do not withstand empirical scrutiny. Instead, the most reliable academic analysis consistently shows that gun ownership is more often a catalyst than a deterrent to crime. Last week, amid heightened scrutiny of gun violence in the wake of the Charleston church shootings, a group of researchers released the latest study on the correlation between firearm prevalence and crime rates. Their findings only add to the growing evidence against the “More Guns, Less Crime” hypothesis. The authors of “Firearm Ownership and Violent Crime in the U.S.” are researchers from Boston’s Children Hospital and the Harvard School of Public Health. They set out to gauge the effect of firearm-ownership rates on specific types of violent gun crimes. To do so, they used national gun-ownership surveys conducted by the Centers for Disease Control (CDC) and criminal data taken from the Uniform Crime Reports (UCR), a large annual database administered by the Federal Bureau of Investigation (FBI). The data covers all 50 states for the years 2001, 2002, and 2004, the only years for which the CDC firearm-ownership statistics are available. The study then sorted the states into quintiles according to their level of firearm ownership. After controlling for a variety of demographic, socioeconomic, and geographic factors, the authors analyzed each group of states and their rates of the following crimes: robbery committed with a firearm, nonfatal assault with a firearm, firearm homicide, and overall homicide. According to the “More Guns, Less Crime” hypothesis, states with higher levels of gun ownership would expect to see lower crime rates in those categories. By contrast, the study found that states with the lowest rates of firearm ownership (Connecticut, Hawaii, New Jersey, Massachusetts, Rhode Island, New York, California, Florida, Illinois, and Maryland) had significantly lower rates of firearm-related assault and robbery, firearm homicide, and overall homicide. States with the highest gun-ownership levels (Wyoming, Montana, South Dakota, Arkansas, Arizona, West Virginia, North Dakota, Idaho, Mississippi, and Alabama), meanwhile, had 6.8 times the rate of firearm assaults, 2.8 times the rate of firearm homicides, and twice the rate of overall homicides than states with the lowest gun-ownership levels. In the category of robbery with a firearm, the relationship between gun ownership rates was less clear: The study did find that robbery rates rose with gun-ownership rates, but in some states the increases were not statistically significant. For every other type of crime examined by the authors, however, the conclusion was the same: more guns, more crime. Some gun proponents may argue that “correlation doesn’t equal causation,” that perhaps gun ownership isn’t causing an increase in crime, but instead crime is causing an increase in gun ownership. In other words, people living in high-crime areas may be purchasing guns for protection. This possibility, known as “reverse causation,” was preempted by the authors of the new study, who showed that a state’s firearm-ownership rates in 2001 strongly predict violent crime rates in 2002 and 2004. The most coherent explanation is that higher rates of gun ownership lead to increases in crime, rather than the other way around. Undergirding the idea that expanding gun ownership deters and prevents crimes is the belief that the “bad guy with a gun” will usually be a random assailant, someone the would-be victim has never encountered before or does not know personally. But here again the hard numbers are at odds with perceptions. Nearly 70 percent of homicides involve guns, and the majority of all homicide victims know their killers; among female homicide victims, 93 percent are killed by a familiar person. Earlier research has shown that it’s nonstranger homicide that sees the most increase as gun ownership expands. When a team led by Michael Siegel at Boston University broke down homicides by the victim’s relationship to the killer for a 2014 study, they found that an increase in gun-ownership rates did not produce a statistically significant increase in murders by strangers. But when they looked at victims killed by someone they knew, they found that every 1 percent increase in gun ownership corresponded with a .9 percent increase in murders. “Our findings refute the argument that gun ownership deters strangers from committing homicide,” Dr. Siegel explained. “Instead, these findings suggest that gun ownership actually increases the risk of violent death.”

### A2 IPV

#### Guns in the home causes more IPV.

DeFilippis 14 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) “Having a Gun in the House Doesn't Make a Woman Safer” Feb 23 2014 The Atlantic <http://www.theatlantic.com/national/archive/2014/02/having-a-gun-in-the-house-doesnt-make-a-woman-safer/284022/> JW

Christy Salters Martin is a professional boxer and the owner of a concealed carry permit. But when she attempted to leave her husband, she was shot with her own gun. Today, she cautions other women against making the same mistake. “Just putting a weapon in the woman’s hand is not going to reduce the number of fatalities or gunshot victims that we have. Too many times, their male counterpart or spouse will be able to overpower them and take that gun away.” Wayne LaPierre, executive vice-president of the National Rifle Association, has argued that firearms are a great equalizer between the sexes. In a speech at the Conservative Political Action Committee last year, he declared, “The one thing a violent rapist deserves to face is a good woman with a gun.” But the empirical reality of firearm ownership reflects anything but equality, particularly when it comes to intimate partner violence. Such fights become much more frequent and lethal when firearms are involved, and the violence is nearly unidirectional, inflicted by males upon females. This relationship holds true not only across the United States, but around the world. A recent meta-analysis concluded what many people already knew: the availability of firearms is a strong risk factor for both homicide and suicide. But the study came to another conclusion that is rarely mentioned in the gun control debate: females are uniquely impacted by the availability of a firearm. Indeed, the study found that women with access to firearms become homicide victims at significantly higher rates than men. It has long been recognized that higher rates of gun availability correlate with higher rates of female homicide. Women in the United States account for 84 percent of all female firearm victims in the developed world, even though they make up only a third of the developed world’s female population. And within American borders, women die at higher rates from suicide, homicide, and accidental firearm deaths in states where guns are more widely available. This is true even after controlling for factors such as urbanization, alcohol use, education, poverty, and divorce rates. What’s more surprising is how many of these deaths occur in the home, at the hands of a male partner. In a study in the Journal of Trauma, A.L. Kellermann, director of the RAND Institute of health, and his coauthor J.A. Mercy concluded: “More than twice as many women are killed with a gun used by their husbands or intimate acquaintances than are murdered by strangers using guns, knives, or any other means.” In another study, published in the American Journal of Public Health, researchers interviewed 417 women across 67 battered women’s shelters. Nearly a third of these women had lived in a household with a firearm. In two-thirds of the homes, their intimate partners had used the gun against them, usually threatening to kill (71.4%) them. A very small percentage of these women (7%) had used a gun successfully in self-defense, and primarily just to scare the attacking male partner away. Indeed, gun threats in the home against women by their intimate partners appear to be more common across the United States than self-defense uses of guns by women. Another large case-control study compared women who were murdered by their intimate partner with a control group of battered women. Only 16 percent of the women who had been abused, but not murdered, had guns in their homes, whereas 51 percent of the murder victims did. In fact, not a single study to date has shown that the risk of any crime including burglary, robbery, home invasion, or spousal abuse against a female is decreased through gun ownership. Though there are examples of women using a gun to defend themselves, they are few and far between, and not statistically significant. These facts should be as chilling to men as they are to women. A 2005 study examining mortality data from 1998-2000 found that when a female was shot by her intimate partner, the perpetrator subsequently killed himself in two thirds of the cases. This statistic not only shows necessity of getting mental help for at-risk men. It also further suggests that owning a firearm may make a household more vulnerable than ever.

### A2 Tyranny

#### Militias suck and always fail—gun control is still good.

DeFilippis and Hughes 14 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “DEBUNKING THE FIVE MOST IMPORTANT MYTHS ABOUT GUN CONTROL” January 14 2014 Armed With Reason <http://www.armedwithreason.com/debunking-the-five-most-important-myths-about-gun-control/> JW

Even a cursory reading of history finds that militias, especially unregulated ones, are overwhelmingly inimical to the functioning of a free society. In Vietnam, Afghanistan, Cuba, Somalia, Iraq, and southern Lebanon, even while fighting against foreign rule, these countries’ militias actively worked against the establishment of a free state. Finding developed country analogs for these examples is impossible, as there are simply no wealthy countries, with the exception of Costa Rica, that use militias for self-defense. For examples closer to home, we can look to how miserably the Ku Klux Klan, the Black Panthers, and Neo-Nazi factions (all examples of real militias) failed to promote a free society. It is also demonstrably false, as gun advocates argue, that armed populations are never given the opportunity to stop tyranny because they are disarmed first. Yemen, for example, is the second most heavily armed country in the world (per capita), and is currently embroiled in a civil war between a Western dictatorship and Jihadist groups. Saddam Hussein, by any definition a tyrant, invigilated over a brutal regime despite the fact that Iraqi people were heavily armed.

### A2 Hitler took guns

#### Shut up.

DeFilippis and Hughes 14 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “DEBUNKING THE FIVE MOST IMPORTANT MYTHS ABOUT GUN CONTROL” January 14 2014 Armed With Reason <http://www.armedwithreason.com/debunking-the-five-most-important-myths-about-gun-control/> JW

The most common form of “armed populations prevent tyranny” is “Hitler took the guns.” First, the idea that a small group of heavily armed Jews could have succeeded where the Polish and French armies failed is laughable. Second, the argument fails to recognize that most strict gun control implemented in the Wiemar Republic was implemented to prevent armed coups from materializing by the Nazis or the Communists. It failed. When Hitler seized power, he implemented policy in 1938 that actually loosened restrictions on gun ownership.

### A2 Illicit Market

#### Plan regulates the primary market which makes it super hard for criminals to get access to handguns.

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How Laws Stem the Flow of Guns in the Gray Market Wayne LaPierre of the NRA frequently casts doubt on the ability of regulations to curb criminal behavior, stating earlier this year that “we don’t have to guess how hardened criminals will get their guns if universal background checks are passed, because we already know how they get them now: through theft, black market purchases, criminal associates, and straw purchasers. Background checks cannot and do not stop any of these things.” Contrary to LaPierre’s pessimism regarding the apparent futility of trying to stem the tide of illegal guns, Philip Cook of Duke University and several colleagues have found that it is the flow of firearms, not the volume, that is the key factor in gun crime. These market characteristics mean that regulations on transactions, even in the legal channels, can help increase costs in the black market and subsequently deter criminals from obtaining firearms. If gun regulations can effectively dampen the supply of new firearms and ammunition, thereby making transactions more challenging to complete, prices will rise and criminals will be more hesitant to obtain a firearm — and may even forgo it altogether. These market influences were validated in a 2007 study by Cook and Jens Ludwig of the University of Chicago, which discovered a significant black market markup on the price of weapons relative to the cost in the legal market. The economics are perhaps most vivid in Chicago, where ammunition is largely illegal except under specific circumstances. In interviews with researchers, one gang member reported paying $50 for 10 bullets for a Beretta semi-automatic, roughly 50 times more expensive than store prices at the time. “You really don’t have someone who sells ammo around here,” another criminal said. “I mean it’s like you have to hope you can get it from [a gang] or maybe [a street dealer].” Another startling feature of the markets that supply criminals is how swiftly guns make their way from legal gun stores to crime scenes when they are not fettered by tougher laws. In one study conducted by Franklin Zimring, a UC Berkeley law professor, it was discovered that a large number of the guns seized in major metropolitan areas were sold by retail outlets relatively recently. Other studies have confirmed this point, finding that the many crime guns have a short “time-to-crime” (the time between when a gun is first bought and found at a crime scene), usually of a couple of months to a couple years. The exception to this rule are guns used by gang members in areas with strict gun regulations — again including Chicago, where time-to-crime numbers ran to 11.6 years as of 2013, the most recent data available. More than 60 percent of those guns were imported from outside Illinois, meaning that criminals looked to states with weaker gun laws to obtain their weaponry. In fact, time-to-crime is often used as a proxy in gun violence research to measure the effectiveness of gun laws in limiting the diversion of firearms to criminals. If guns used for illegal purposes in Chicago consistently have a longer time-to-crime than guns in other cities, then that can be taken as evidence that Chicago’s gun laws are obstructing criminal activity. A 2014 study by criminologist Glenn Pierce at Northeastern University found that California, with its strict legal and regulatory regime governing firearms, also produces crime guns with a much longer time-to-crime than other states. These numbers were confirmed by a recently issued ATF report, which found in 2014 that California, a state with strict gun laws, had an average time-to-crime of 13.52 years, versus a state with lax gun laws like Arizona, which had an average of 8.86 years. A recent survey conducted by Cook and several colleagues interviewed 99 prison inmates with gun related offenses in Chicago, and found that very few respondents bought their gun directly from a federally licensed gun dealer. Instead, most relied on a network of family and friends to obtain their weaponry. Pro-gun media and the NRA quickly pounced on the survey, claiming this was proof that criminals don’t follow laws and will be able to obtain firearms no matter what restrictions are implemented. Actually, the survey points in the opposite direction, indicating that regulations that produce higher prices for guns and ammunition in the black market can have a significant impact on criminal activity in the aggregate. The interviews by the Cook team reveal that gun regulations have forced Chicago’s criminals (particularly gang members) to search for out of state sources and create an elaborate network of personal contacts to transfer guns, out of fear of being caught by police. As one respondent stated: “Most people either go to the down-South states or go to Indiana” — where gun laws are looser than Chicago’s and Illinois’ — “to get guns, or people obtain gun licenses, go to the store and then resell.” Another respondent further expounded on the difficulties of obtaining firearms: “A lot of guys in the ‘hood’ don’t have access — a lot of networking stuff going on.” These findings paired with time-to-crime data demonstrate that Chicago’s gun laws are influencing the behavior of criminals and imposing greater transaction burdens on the illicit market. Gun violence continues to rock the city, but it’s fueled by the supply of guns from lightly regulated markets that undermine local barriers. As Cook tells The Trace, if guns and ammunition “were more readily available in Chicago, and more of the dangerous youths had ready access at low prices, I’m convinced that there would be even more shootings.”

### A2 Kates and Mauser

#### Kates and Mauser is a terrible study-they analyzed all the wrong things.

DeFilippis and Hughes 15 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “Harvard Study Embraced by Gun Rights Advocates Is Neither a “Study,” Nor Really “Harvard”” The Trace October 21st 2015 <http://www.thetrace.org/2015/10/harvard-study-false-claims-armed-with-reason/> JW

In the wake of the Oregon college shooting, the website beliefnet.com caused a stir on social media with an article titled “Harvard University Study Reveals Astonishing Link Between Firearms, Crime and Gun Control.” The post pointed to a “virtually unpublicized” 2007 paper by Don Kates and Gary Mauser that uses international data to argue that higher rates of gun ownership correlate with lower crime rates. Other right-wing blogs soon picked up on the story, insisting that this was the study that “gun-grabbers fear.” The frenzy is a carbon copy of what happened when the so-called Harvard study was rediscovered back in 2013, and previously in 2012. However, despite its continued resurrection, Kates and Mauser’s work contains serious flaws. For starters, the phrase “Harvard study” is a misnomer, as the paper was not written by researchers at all affiliated with Harvard. Kates is a prominent, NRA-backed Second Amendment activist, while Mauser is a well-known Canadian gun advocate. Their paper appeared in the Harvard Journal of Law & Public Policy, a journal that, unlike most academic publications, does not have peer review. The publication describes itself as a “student-edited” law review that provides a forum for “conservative and libertarian legal scholarship.” The journal’s past contents include a thoroughly repudiated article, “What is Marriage?,” which argued that gay marriage was morally wrong. One function that publications like the Harvard Journal of Law & Public Policy serve is to provide a home for papers that wouldn’t survive vetting by other academics; research that can pass peer review is almost always sent to publications whose more stringent standards also come with greater reach. What’s more, the report by Kates and Mauser does not meet even the loosest criteria of an academic study, which requires either new analysis of an old dataset or boilerplate analysis of a new dataset. Kates and Mauser’s paper offers neither of these, instead relying on highly subjective eyeball comparisons of suspect data, without constructing a single statistical model. In their paper, Kates & Mauser make several bizarre and obviously false claims. They first state, without supporting evidence, that guns are not uniquely available in the United States, ignoring the fact that the U.S. now has one gun per person (double the rate of second-place Switzerland), and has, by any measure, the least stringent gun laws in the developed world. They then proclaim that much of the current gun violence debate is the product of Soviet propaganda. Leaving aside the paper’s dubious label, and the affronts the authors’ statements present to serious scholarship, there are four particularly egregious errors in the paper. They are: Faulty International Data Kates and Mauser correctly note that socio-cultural and economic factors play a key role in shaping a country’s level of violence. But their insight stops there as they then proceed to directly compare countries with dramatically different socio-cultural and economic conditions (like Russia and Norway) to draw conclusions about the efficacy of gun control. In doing so, they commit a cardinal sin of statistical analysis: not comparing likes to likes. To understand the social and economic factors that could significantly influence homicide rates, they should choose a basket of comparable countries with very similar conditions. Without controlling for these confounding factors, Kates and Mauser immediately undermine any conclusions they hope to draw. The authors proceed to compound these errors by us[e]ing Luxembourg — a very small western European country of only 300,000 people — as the linchpin of their international analysis. Luxembourg’s scant population means that only a handful of murders could cause its homicide rate (measured by homicides per 100,000 residents) to fluctuate wildly. More problematic, the data from Luxembourg that the authors rely on is demonstrably wrong. Kates and Mauser cite Luxembourg’s homicide rate as a whopping 9.01 killings per 100,000 people in 2002. However, not only does that figure come from a source missing multiple years of data (a major red flag), but the United Nations Office on Drugs and Crime places the country’s homicide rate for the year in question at 1.4 per 100,000. This suggests that Kates and Mauser didn’t bother to double-check their source. Indeed, after the article was published, Mauser admitted that their data for Luxembourg was incorrect, an admission that was buried in the notes section of a PowerPoint slide.

### A2 racist policing

#### Gun violence disproportionately

DeFilippis and Hughes 15 Evan Defilippis (graduated from the University of Oklahoma with a triple degree in Economics, Political Science, and Psychology. He was the University of Oklahoma's valedictorian in 2012, he is one of the nation's few Harry S. Truman Scholars based on his commitment to public service, and is a David L. Boren Critical Languages scholar, fluent in Swahili, and dedicated to a career in African development. He worked on multiple poverty-reduction projects in Nairobi, Kenya, doing big data analysis for Innovations for Poverty Action. He will be attending Princeton's Woodrow Wilson School in the Fall.) and Devin Hughes (senior at the University of Oklahoma with degrees in Finance and Risk Management. He is a National Merit Scholar and Oklahoma Chess Champion, with numerous academic publications) “How America’s Lax Gun Laws Help Criminals and Cripple Minority Communities” Vice July 6 2015 <http://www.vice.com/read/how-americas-lax-gun-laws-help-mass-murderers-and-cripple-minority-communities-706> JW

And as federal prosecutors decide whether to file hate-crime charges against the shooter— 21-year-old white supremacist Dylann Roof, whose manifesto lays out his plans to start a "race war"—some gun-rights advocates have argued that new gun control laws would disproportionately hurt black Americans and other minorities, claiming that similar laws have disproportionately targeted these communities and contributed to the already-massive racial disparities in the US prison system. But these arguments also tend to ignore the devastating consequences that weak gun laws have had for minority communities. According to data from the Centers for Disease Control, black Americans are twice as likely as whites to be victims of gun homicide. According to a report from the Center for American Progress, in 2010, 65 percent of gun murder victims between the ages of 15 and 24 were black, despite making up just 13 percent of the population. Gun homicide is also the leading cause of death for black teens in the US, a group that also suffers gun injuries 10 times more frequently than their white counterparts. The numbers may help explain why an overwhelming majority of black Americans—75 percent according to a 2013 Washington Post/ABC News poll—support stronger gun control laws. Yet even in areas where local governments have enacted gun control measures, lax regulations elsewhere have sustained a robust network of unregulated private transactions that allow gun dealers to look the other way while supplying gangs and other criminals with a vast assortment of weapons. This network leaves a place like Chicago, which remains crippled by violence despite relatively strict gun laws, hard-pressed to keep weapons off the street—as this New York Times map illustrates, anybody in the city who wants a gun need only take a short drive outside Cook County to get to a jurisdiction with much weaker regulations. A similar situation has arisen in Maryland, which despite having some of the country's most stringent gun laws, has been plagued by violent crime in urban areas. Amid finger-pointing over the rioting that ravaged Baltimore earlier this year, it's worth pointing out that the majority of crime guns are trafficked in from outside the state. So while the gun policies Maryland has implemented—including a policy requiring individuals to pass a background check and obtain a permit prior to buying a firearm—have been shown to reliably reduce gun violence, neighboring states like Pennsylvania, West Virginia, and Virginia have much looser requirements, making it easy for weapons to flow across the border. RELATED: Gun Control Will Not Save America from Racism This haphazard patchworks of state and local gun laws has enabled many private gun dealers to effectively exploit gang violence and crime to boost sales. Chuck's Gun Shop, for example, which operates just outside Chicago, is responsible for selling at least 1,300 crime guns since 2008, and one study found that 20 percent of all guns used in Chicago crimes recovered within a year of purchase came from the store, because existing gun laws allow the store to sell firearms to criminals who would undoubtedly fail a background check if it were required. The same is true for Realco, a Maryland gun shop on the outskirts of Washington, DC: Between 1992 and 2009, law enforcement agents from Maryland and DC traced 2,500 crime guns back to Realco, four times more than were traced to second most prolific crime-gun dealer in Maryland. The disastrous effects of these policies has overwhelmingly been borne by minority communities. In Chicago, for example, 76 percent of murder victims between 1991 and 2011 were black, 19 percent were Hispanic, and just 4 percent were white. The cause of these deaths was overwhelmingly gun violence. Across the country, the evidence suggests that weak gun laws not only play into the hands of mass murderers looking for the easiest way to commit atrocity, but also exacerbate the tragic, everyday violence that disproportionately cripples minority communities. The solution is not to pretend, as has become fashionable among gun advocates, that gun violence is simply the unavoidable cost our of constitutional freedoms, but to instead support commonsense policies of the sort implemented in nearly every other industrialized nation.

### A2 Self-Defense

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<http://www.armedwithreason.com/shooting-down-the-gun-lobbys-favorite-academic-a-lott-of-lies/>

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### other

<http://www.thetrace.org/2015/10/lower-crime-rates-not-caused-by-concealed-carry/>

<http://www.armedwithreason.com/rebutting-the-criminals-dont-follow-laws-and-gun-control-only-hurts-law-abiding-citizens-argument-against-gun-control/>

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